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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 21, 2004.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God, creator of life, author of our inalienable rights, every single human person is to be valued and reverenced. Some people in life mean more to us than others. In this Nation, the office of Presidency bestows upon a single person an awesome responsibility. The President personifies our loyalty and our strength as a Nation. He is called to unify our diversity and resources for the lasting good of this country and for the betterment of the world community.

Today we pray for George W. Bush, the 43rd President of the United States of America. Bless him, his cabinet, staff advisors, and especially his family. Be his source of wisdom and planning and of understanding the people's needs and courage in difficult times.

May all in the executive branch of government work in cooperation with this Congress to achieve what is best for our Nation at this time. This we ask in Your holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Connecticut (Ms. DELAURO) come forward and lead the House in the Pledge of Allegiance.

Ms. DELAURO 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.

PRESIDENT BUSH LEADS EFFECTIVELY, HONORABLY, AND WITH DISTINCTION

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

Mr. FOLEY. Mr. Speaker, I see there are a few Democrats on the floor today; they are busy preparing their ''I hate George Bush'' speeches for the day. We finished last night with a message from the President of the United States about the hopeful optimism this country has and the things that we can do together if we only stop bickering and start working towards our common goals.

The war on terrorism is his single focus; and since September 11, our homeland has been safe. Liberating the world has been his hallmark, and today we can claim that Libya is now negotiating with the United States. North Korea is finally talking about putting aside their hatefulness. India and Pakistan are joining together for conversations that are hopeful and helpful for solving the world's problems.

This President has led effectively, honorably, and with distinction.

At the end of the State of the Union speech, the minority leader went on to describe how reckless, basically, this President has been. I disagree vehemently and strongly. I applaud our President. I applaud the state of the Union. The economy is growing stronger, unemployment is reducing itself and we are finding ourselves in a better place, thanks to his leadership.

God bless this great Nation and, as the chaplain said, God bless our President.

HONORING MICHAEL GALE

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

Mrs. CAPITO. Mr. Speaker, I rise today to honor Michael Gale, an exceptional student in my district in West Virginia, and one of my constituents.

Michael was recently awarded one of 12 George Mitchell Scholarships for postgraduate studies at universities in Ireland and Northern Ireland. Michael is the first West Virginia resident ever to receive this prestigious award and will study at the National University of Ireland in Galway.

The Mitchell Scholarship was established by an endowment from the Irish Government in 1998 and is administered by the U.S.-Ireland Alliance. The House has supported funding for the Mitchell Scholarship both in 2003 and 2004. The British Government also provides support for this program.

I offer my congratulations to Michael Gale, an exceptional young West Virginian, and the other 11 winners of the Mitchell Scholarship and wish them all the best in their studies in Ireland.

HONORING THE LIFE OF HAROLD J. ''TEX'' LEZAR, JUNIOR

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

Mr. BURGESS. Mr. Speaker, it is my sad duty this morning to report on the

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passing of one of the most articulate conservative voices in Texas.

Harold J. ''Tex'' Lezar, Jr., left us earlier this month, a Texas lawyer who had worked for both the Nixon and Reagan administrations and was a fixture in Texas and national politics.

Born in Dallas, Tex Lezar grew up in Japan, the son of a ship's captain who did reconnaissance work for General MacArthur. He graduated from Yale and was an assistant to columnist William F. Buckley, Jr., before becoming a speech writer for President Nixon. Tex worked on Ronald Reagan's 1980 Presidential campaign before becoming a special counsel to the U.S. Attorney General and later the chief of staff under Attorney General William French Smith.

In June of 1984, Tex Lezar married Ms. Mary Spaeth. He leaves three children: Philip, Beau, and Maverick.

As a Texas Republican, I can say we were blessed to have had him with us as a guide to encourage and direct our political paths. As a friend of him and his family, I am glad I had the chance to know him; and I honor his life here today.

COMMENDING DR. GEORGE MEETZE FOR HIS HISTORIC SERVICE TO THE SOUTH CAROLINA GENERAL ASSEMBLY

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

Mr. WILSON of South Carolina. Mr. Speaker, last week history was made in the South Carolina State Senate when the Reverend George Elias Meetze presented the prayer for opening the Senate First Day of the Second Session of the 115th General Assembly on January 13. This marked the 55th year of service by the enthusiastic Dr. Meetze as chaplain of the Senate. He holds the historic record of being the longest-serving chaplain of a legislative body in the world. Every day, as he leads the Senate in prayer, he establishes a new record of devotion to the people of South Carolina.

Dr. Meetze is a graduate of the University of South Carolina, New York Theological Seminary, and Lutheran Southern Seminary. He is the retired pastor of the Lutheran Church of the Incarnation of Columbia from 1942 to 1974. Dr. Meetze and his late wife, Margarete Allen, have two sons, George Allen Meetze and William Dagnall Meetze.

In every way, Dr. Meetze is a vital participant of the Midlands community, never missing Rotary, promoting the Salvation Army, and serving the American Cancer Society.

I urge my colleagues to commend Dr. George Meetze for his historic service as he begins a new session.

In conclusion, God bless our troops. We will always remember September 11.

HEALTH CARE VOUCHERS FOR THE WORKING UNINSURED

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

Mr. EMANUEL. Mr. Speaker, last year, Americans on average saw their health care costs increase by 9.3 percent. That is on top of the year before where health care inflation ran at 12 percent. Today, we have 44 million Americans without health insurance and 32 million Americans who work full-time without health care.

In fact, the problem with our health care system today is that many people with health care insurance pay an uninsured premium for those who work, but show up at emergency rooms without health care. Hospital costs are skyrocketing through the roof. We all pay for their health care, and they do not get it.

What ails our health care system is that there is not enough competition. We need competition in pricing of prescription drugs where we have competition, where people can buy drugs in Canada, in Europe. That competition and choice would drive prices down. What we need to do for the uninsured is also create a competitive system.

I have offered and will be offering soon a piece of legislation for a health care voucher for the working uninsured where they will get a voucher equal to the dollar amount of the tax credit the President proposed and buy into a subsidiary of the Federal employees health care plan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 492) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 492

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2003–2004 academic year is 2,600,000 and the student-teacher ratio is 17 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 26 percent of school children enrolled in Catholic schools are from minority backgrounds, and more than 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.''; and

Whereas January 25–31, 2004, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops, an event celebrating its 30th year: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

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

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 492.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 492, offered by the gentleman from Louisiana (Mr. VITTER). This resolution honors the contributions of America's Catholic schools, which are dedicated to not only educating their students academically but to developing their moral, intellectual, physical, and social values.

January 25 through the 31 is Catholic Schools Week, an annual tradition jointly sponsored by the National Catholic Education Association and the United States Conference of Catholic Bishops, and it is in its 30th year.

The purpose of this resolution and Catholic Schools Week is to celebrate the vital role that Catholic elementary and secondary schools play as they provide a values-added education with high standards of quality and excellence to many of America's children.

As President George W. Bush noted earlier this month in recognition of the National Catholic Education Association's 100th anniversary, ''Catholic educators share the basic conviction that every child can learn,'' a principle that we are extending to public education through the No Child Left Behind Act.

The President also pointed out that high expectations that characterize Catholic education have provided students with overwhelming results. More than 99 percent of students participating in Catholic education graduate from high school and the majority of those go on to college.

As a product of Catholic education from elementary school through my education at Xavier University, I have found that my foundation in Catholic education has helped me strengthen my sense of purpose in life and prepare me to achieve my goals. My home State of Ohio has more than 500 Catholic schools, including my alma mater, Moeller High School. In Ohio, the Catholic schools serve more than 180,000 students, including more than 56,000 students attending 135 Catholic schools in the archdiocese of Cincinnati that is part of my district.

I appreciate the great work being done by Catholic schools, their administrators and teachers, as well as their parents and volunteers. And as the President noted earlier this month, ''Catholic schools carry out a great mission, to serve God by building the knowledge and character of young people.'' I commend my colleague from Louisiana for introducing this resolution, and I urge my colleagues to support it.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume, and I am pleased to join the gentleman from Ohio (Chairman BOEHNER) in support of this resolution.

I also want to commend the gentleman from Louisiana for introducing this resolution as we recognize the diversity of our educational systems throughout the country. Today's resolution recognizes the contribution of Catholic schools. Mr. Speaker, children all across America have benefited from Catholic education. Certainly we can all agree that Catholic schools are a strong and positive force in America's educational system.

Fortunately, the great, truly great aspect of America's education system is its diversity. The goal of our system should be both public and private, and it is to provide anyone and everyone in any city, any State with the opportunity they need to succeed.

□ 1015

The educational recipe for success in our country certainly includes Catholic schools, schools with other religious focuses and non-religious private schools, along with our public schools which means so much to so many. It is this variety, this diversity that truly makes American education powerful. It makes American education successful in its mission.

Today we recognize Catholic schools for their long commitment to education, to a value system, to developing the kind of lifestyles that students as well as adults need to seek.

There are many outstanding Catholic schools in my Congressional district. Among them Fenwick High School in Oak Park, Illinois, Resurrection Elementary Schools in Chicago, and, of course, St. Ignatius Prep, which is recognized as one of the top prep schools in the Nation.

So I am pleased to join with the gentleman from Louisiana (Mr. VITTER) in supporting this resolution, commend him for his insight.

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

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of one of our subcommittees of the Committee on Education.

Mr. HOEKSTRA. Mr. Speaker, I rise today in strong support of House Resolution 492, which recognizes Catholic Schools Week and honors Catholic schools for the important role that they play in educating America's children.

Catholic schools will provide a high quality and innovative education for over 2.5 million students this year, serving a diverse group of students from many social and economic backgrounds. Catholic schools educate racially and ethnically diverse students, children who live in inner cities, urban and rural communities, children who are not Catholic, and even students with disabilities.

These schools excel not only in bringing students with different needs and backgrounds, but they also graduate 99 percent of their student population and send 97 percent of their student body to post-secondary institutions of higher education.

This academic excellence is coupled with very low per-pupil expenditures which stems from the Catholic's Church's willingness and commitment to invest in students and in local communities. Over 84 percent of Catholic schools provide tuition assistance to their students to enable low income parents to send their children to these high-achieving schools.

Catholic schools have demonstrated a commitment to teaching every child believing that each child can and will learn. When school choice initiatives have become the law in States and communities across the country, Catholic schools have opened their arms and their doors to parents and children seeking alternative educational options.

My home State of Michigan has the ninth largest Catholic school enrollment in the country, with 320 Catholic schools educating more than 88,000 students through preschools, elementary schools, middle schools, high schools and after-school programs. In my Congressional district, I have many large and small Catholic schools in urban and rural communities, some schools that specialize in elementary educations and others that educate students during their middle school and high school years.

Catholic schools are widely recognized for their academic distinction. However, I am proud to praise their achievement in meeting the needs of the entire student. Catholic schools build character in our young people and seek to educate the spiritual, intellectual, social, and cultural components of each person while developing an attitude of servant leadership among their students.

Through their insistence on teaching children values, Catholic schools challenge students to live moral and compassionate lives. By insisting on high academic standards and innovative teaching methods, Catholic schools are models of academic excellence for all teachers and schools in this Nation.

I join my colleagues in recognizing Catholic schools week and in congratulating the schools, students, parents and teachers in West Michigan and throughout the Nation for their ongoing commitment to a high-quality education for all of our children.

I would also like to thank the Catholic educational system for the fine work that they did in shaping our chairman, the gentleman from Ohio (Mr. BOEHNER).

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the Democratic Whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I am going to support this resolution, of course, notwithstanding the most recent information I have received from our colleague. I congratulate the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Illinois (Mr. DAVIS) for bringing it to the floor.

(Mr. HOYER asked and was given permission to speak out of order.)

CARLTON R. SICKLES, A TRUE PUBLIC SERVANT

Mr. HOYER. Mr. Speaker, a former colleague of our ours died last Saturday morning. He was an extraordinarily good human being and a very close friend. I want to pay tribute to a good and decent American, an absolutely wonderful individual, Carlton R. Sickles, who passed away early Saturday.

It is unfortunate that millions of people whose lives he touched during his 82 years never had the benefit of knowing him personally. I am blessed as many in this body were blessed by knowing him well. He was a veteran of

World War II and the Korean War, a former Maryland legislator, a gubernatorial candidate and a Member of the House from 1963 to 1967.

But he is perhaps best known, Mr. Speaker, for those of us who live in the Washington metropolitan area as the father of the Metrorail transit system which today serves millions of customers every single year, not only those who live in this region but those millions of people who come to the Washington metropolitan area to visit their Capitol and their Representatives.

On a personal note, Mr. Speaker, I will forever be indebted to Carlton for encouraging me to choose a career in public service. I wanted to run for the House of Delegates in 1966. He was running for governor. He urged me to run for the State Senate. I did not think I could win a State Senate seat. I was 2 months out of law school and thought that premature, but he continued to encourage me. And the third time he asked I ran, and I was fortunate enough to be successful. That has made a huge difference in my life.

He encouraged so many others to participate in public service. His own public service was a credit to elective office, a credit to this institution, a credit to Maryland, and his community.

To his wife Jacqueline, his children, and all his family, I offer my deepest condolences. Carlton was a role model who left a tremendous legacy. He will be sorely missed.

Mr. BOEHNER. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for bringing in resolution to the floor and to my colleague from Louisiana (Mr. VITTER), hopefully our next Senator from the great State of Louisiana, for proclaiming the importance of Catholic parochial education in our society and in our lives.

As a product of Sacred Heart School in Lake Worth, I remembered returning to that very classroom where the shock of my life at that time had been the assassination of President John Kennedy. We were in 4th grade. We were asked to pray and pray for our nation and for our assassinated president.

And after September 11th when I was equally shocked as the Nation was watching in horror the events unfolding in New York City, I returned that classroom for solace, for comfort, and for guidance.

Catholic education was a lot to me and to our family. My father started at Sacred Heart himself as a teacher, went on to Cardinal Newman to be a coach and earth science teacher, and then went on to the public school system where he retired from a school for troubled children.

Through his leadership and our parents' guidance and the church's blessing, it has meant a lot to all of our family as we learned life's lessons.

I recently attended St. Ann's school in West Palm Beach. Their students undertook on their own initiative an effort to send memorabilia and messages to our troops in Iraq. They gathered and worked together to do handiworks and crafts and essential items, care packages, if you will, to our troops only to find that nobody would take the packages. Not UPS, did not fly there, not FedEx. There was no way to get all of their hard work accomplished. They called our office. Thanks to the hard work of our staff, they repacked the boxes, asked the Department of Defense for permission and were able to load those packages on to a flight heading to Iraq.

I recently went to the school and thanked the children for their extraordinary efforts and thinking of our troops first over the holiday period. And they read for me a number of the letters that were sent back by our personnel in the field. It was heartwarming to see the interaction between soldier and student.

Ave Maria is a new university contemplated and soon to be constructed in Ft. Myers, Florida, the first Catholic university to be built in the country in 40 years. I commend our community for being lucky to have a Catholic University soon in our presence.

Catholic schools are important to the fiber and foundation of our Nation. They give every child a chance to pray in class, which is a unique and novel thing, one I welcome and urge other non-parochial schools to participate in. Because, after all, after September 11th the one thing that lifted the soul of the Nation and gave us courage to fight on in the days ahead was, in fact, our collective prayer, our willingness and wishes for a better world for all Americans and all inhabitants of the world.

So I salute the author of the amendment, the gentleman from Louisiana (Mr. VITTER), our colleague, the gentleman from Ohio (Mr. BOEHNER), the chairman, and all who will join with us today in, again, saluting the importance of Catholic education in our daily lives.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve my time.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER), the author of the resolution that we are considering.

Mr. VITTER. Mr. Speaker, thanks for the opportunity to recognize today the contributions of Catholic schools. It is particularly significant for me and my constituents since Catholic education began in America in my home State of Louisiana in 1725. My wife Wendy and I are both Catholic school graduates. We send our kids to the Catholic school right in our neighborhood. We know first-hand those contributions as so many speakers before me have noted.

Catholic schools prepare every student to meet the challenges of their future by developing their mind, yes, but also their body and their soul and spirit. They instill students with self-confidence and motivation and the will to succeed, and they provide a true education of value in every sense of the term.

This year is the 30th anniversary of Catholic schools week. The week was established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools.

The schools produce students strongly dedicated to their faith, values, families, and communities. And those students are very well rounded and they come from truly diverse backgrounds. Nationally non-Catholic enrollment in Catholic schools is 13 percent and minority enrollment is 26 percent. So the institutions are rich both in tradition and diversity.

I rise, Mr. Speaker, to honor the faculty who dedicate their lives to shaping the future of their students, and certainly that includes the religious who are at the core of Catholic education. I salute the parents who sacrifice their personal funds to send their children to Catholic schools. I applaud the students of those schools for the role they play in promoting and ensuring a brighter, stronger future for this Nation.

And I join with so many of my colleagues in saluting this vital part of American education.

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

Mr. Speaker, let me just indicate again that I strongly support this resolution for a number of reasons. We all know that Catholic schools are noted for a strong emphasis on discipline, which is so important for young people. As a matter of fact, important for all of us. They are noted for a strong emphasis on values education, values that we all need to internalize and make a part of our every day lives.

They are also noted for parental involvement. Catholic schools' parents must be involved in the education of their children. All schools should follow this concept because without parental involvement, then children do not really get the information that they need to have to know that education is not just inside the school, but it is an actual part of life.

And so, again, I commend the gentleman from Louisiana (Mr. VITTER) for introducing this resolution. I am pleased to join with the gentleman from Ohio (Mr. BOEHNER) and others in support of it.

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

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I want to thank all my colleagues who have come to the floor today to help us celebrate Catholic Schools Week. As I said, not only am I a graduate of Catholic education, but so are my 11 brothers and sisters. If it were not for the commitment of my parents to send us to Catholic schools,

I do not think that we would be what we are today.

□ 1030

I cannot really go on much further in talking about Catholic education without admiring the work of Cardinal McCarrick here in Washington, D.C.

While there are many Catholic schools here in Washington, there are 13 very special Catholic schools here in Washington called the Consortium Schools that are in low-income neighborhoods. They are 95 percent minority, 80 percent non-Catholic. Cardinal McCarrick and the volunteers at the consortium have worked to keep those 13 schools open for the benefit of those children in those neighborhoods.

Last year, Senator KENNEDY and I worked to help raise money to keep these 13 schools open. I made a commitment to go see all 13. I made it to four. I have got nine more to go. But there is amazing work that is going on at these 13 schools here in Washington where we all know the condition of the public schools. I just want to take a moment to thank Cardinal McCarrick and those at the City Consortium Schools for the work they are doing to help minority and poor children here in Washington, D.C.

Mr. BACA. Mr. Speaker, today, I am pleased that Congress has recognized the important role that Catholic Schools play in our community.

As a Latino, I know the important place that Catholic education has had in my district. The Saint Thomas Aquinas High School in San Bernardino, CA, is highly regarded for its academic and athletic excellence.

The San Bernardino Diocese School System under Bishop Gerald Barnes has made major investments into their school system to bring students into the 21st century.

Even though I am a strong supporter of public schools, I understand the importance of Catholic schools in our Nation's education and the values they instill in our students.

The quality of education provided at Catholic schools is truly remarkable, and deserving of high honors.

Not only do they focus on academic achievement but they also build strong moral foundations for young people. Their curriculums are often full of programs in character development and community service.

Catholic school students graduate with a wide variety of skills that will not only help them in their careers but also in their family and community life.

I am please to support this resolution honoring the contributions of Catholic schools.

Mr. CASTLE. Mr. Speaker, I rise today to speak in support of House Resolution 492, offered by the gentleman from Louisiana, Mr. VITTER. This resolution honors the contributions of America's Catholic schools, and their dedication to educating their students and improving their communities.

Catholic Schools Week 2004 will be celebrated from January 25–31 with the theme. ''Catholic Schools: A Faith-Filled Future.'' Every year since 1974 Catholic Schools Week has been celebrated and jointly sponsored by the National Catholic Educational Association and the U.S. Conference of Catholic Bishops.

Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a quality academic education. Catholic schools provide a values-infused education that emphasizes moral, intellectual, physical, and social values in America's young people. In turn these schools produce students strongly dedicated to their faith, values, families, and communities.

There are currently over 2.6 million students enrolled in 8,000 Catholic schools across this Nation. In my home State of Delaware, over 30 Catholic schools provide an excellent education to over 15,000 students. These schools serve children from all incomes and backgrounds. In addition, Catholic school students come from many different races, religions, and ethnicities. In this school year, about 26 percent of Catholic school students are from minority backgrounds and about 14 percent are not Catholic.

I appreciate the great work being done by the Catholic schools, their administrators and teachers as well as their parents and volunteers. I commend my colleague from Louisiana for introducing this resolution and urge my colleagues to support it.

Archmere Academy, Claymont
Christ Our King School, Wilmington
Corpus Christi School, Wilmington
Holy Angels Elementary School, Newark
Holy Cross School, Dover
Holy Rosary Elementary School, Claymont
Holy Spirit Elementary School, New Castle
Immaculate Heart Of Mary School, Wilmington
Mother of Divine Grace
Mother Seton School
Our Lady Of Fatima School, New Castle
Our Lady of Grace Kindergarten, Newark
Padua Academy, Wilmington
Sacred Heart Academy
Saint Ann Elementary School, Wilmington
Saint Anthony Of Padua School, Wilmington
Saint Catherine Of Siena School, Wilmington
Saint Edmond's Academy School, Wilmington
Saint Elizabeth Elementary School, Wilmington
Saint Elizabeth High School, Wilmington
Saint Hedwig Elementary School, Wilmington
Saint Helena Elementary School, Wilmington
Saint John Bosco's Academy
Saint John The Beloved School, Wilmington
Saint Joseph's Academy
Saint Marks High School, Wilmington
Saint Mary Magdalen School, Wilmington
Saint Matthew Elementary School, Wilmington
Saint Paul Elementary School, Wilmington
Saint Peter School, New Castle
Saint Peters Cathedral School, Wilmington
Saints Peter and Paul School of Easton
Saint Thomas More Academy, Magnolia
Saint Thomas The Apostle School, Wilmington
Saint Vincent's Academy
Salesianum School, Wilmington
Ursuline Academy of Wilmington
Windermere Place

Mr. SHAW. Mr. Speaker, I rise today in support of H. Res. 492 and in recognition of the numerous contributions that Catholic schools bring to our country. The standard of academic excellence promoted in the thousands of Catholic elementary and secondary schools around the nation provide a vital contribution to the fabric of our educational system.

Year-round, these institutions provide a solid, structured education to our young people that is steeped in the traditions of the Catholic church. Today, we congratulate Catholic schools, parents, and teachers for their ongoing contributions and their key role in ensuring a brighter, more promising future for the more than 2.5 million students who attend these schools. We also recognize the particular contribution of Catholic schools to our country's minority population. Nationwide, Catholic schools have a minority enrollment of 26 percent.

Mr. Speaker, we owe a debt of gratitude to every individual in our country who dedicates themselves to educating our children. I am proud to recognize today the unique contribution of America's Catholic Schools, and specifically, the great work of South Florida Catholic schools in educating the children of South Florida.

Mr. FRANK of Massachusetts. Mr. Speaker, because I am attending the important World Economic Conference in Davos, Switzerland, at which I intend to argue strongly for changes in international economic policy better to reflect the rights of working people and the importance of environmental protection, I am missing some votes in suspension. By their nature of course, bills scheduled this early in the session on the suspension calendar are entirely non-controversial so my inability to vote on some of them, while regrettable, was obviously irrelevant to the outcome. What my absence does mean is the lack of a chance to express my support for various of the principles affirmed in those resolutions, so I want to take this opportunity to express my agreement with their thrust. In particular, given the importance of Catholic schools in the district I am privileged to represent, I want to express my appreciation for the dedicated and effective work done by the educators in that school system whose commitment to young people is one of the great assets our society has. I am happy to be able to join my colleagues in expressing my gratitude to those dedicated men and women who devote themselves to the job of educating young people in an appropriate way.

Mr. TURNER of Ohio. Mr. Speaker, as we strive for excellence in America's schools, I am pleased to honor next week as Catholic Schools Week.

Catholic schools provide an intellectually stimulating environment, one where children are challenged by their peers and teachers to make the most of their education. Children from many nationalities and religious backgrounds attend Catholic Schools across America, and all learn the basic principles and values necessary to achieve the American Dream.

Catholic Schools emphasize the importance and development of faith and character. Teachers and staff nurture students in a professional and caring manner encouraging spiritual and emotional growth through education and community involvement.

Receiving a quality education has always been of great importance for our country as we reach to make the future bright for generations to come, and Catholic schools have and will continue to make a huge impact on our nation's youth.

I am pleased to offer my support for H. Res. 492, the Designation of Catholic Schools week, and thank my colleague Representative DAVID VITTER of Louisiana for bringing this important issue to the floor and to the attention of the House.

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 492.

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. BOEHNER. 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.

HONORING MENTORS AND SUPPORTING EFFORTS TO RECRUIT MENTORS

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 491) honoring individuals who are mentors and supporting efforts to recruit more mentors.

The Clerk read as follows:

H. RES. 491

Whereas mentoring is a strategy for motivating and helping young people succeed in life by bringing them together in structured and trusting relationships with caring adults who provide guidance, support, and encouragement;

Whereas mentoring offers a supportive environment in which young people can grow, expand their vision, learn necessary skills, and achieve a future that they may never have thought possible;

Whereas a growing body of research shows that mentoring benefits young people in numerous ways, including improvements in school performance and attendance, self-confidence, attitudes toward and relationships with adults, and motivation to reach their potential;

Whereas mentoring is an adaptable, flexible approach that can be tailored to help children with academics, social support, career preparation, or leadership development;

Whereas there is in this Nation a mentoring gap, consisting of over 15,000,000 young people who need mentors but do not have them;

Whereas, in an effort to begin closing the mentoring gap, the House of Representatives on December 8, 2003, approved a measure to significantly increase Federal grant funding for local mentoring organizations to $100,000,000 for fiscal year 2004;

Whereas the recipients of those grants and other mentoring programs all across the country rely principally on volunteer mentors and will need an influx of volunteers to meet the growing demand for mentoring;

Whereas nonprofit groups and leading media companies have joined together to designate January 2004 as National Mentoring Month in an effort to recruit more mentors for young people;

Whereas the monthlong celebration of mentoring will encourage more adults to volunteer their time as mentors for young people and will enlist the involvement of nonprofit organizations, schools, businesses, faith communities, and government agencies in the mentoring movement; and

Whereas on January 9, 2004, President George W. Bush signed a proclamation designating January 2004 as National Mentoring Month and called upon the people of the United States to recognize the importance of being role models for youth, to look for mentoring opportunities in their communities, and to celebrate this month with appropriate ceremonies, activities, and programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) praises those individuals who have already given their time to mentor a child; and

(2) supports efforts to recruit more mentors in the United States.

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

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 491.

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

There was no objection.

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

Mr. Speaker, I rise to introduce the National Mentoring Month Resolution honoring those who give their time to mentor children.

Last night in this Chamber the President emphasized the threat of terrorism to our Nation's security, and I think all of us are aware of that threat. I would like to make a point that the major threat to our Nation's survival, as I see it, is not terrorism, as much of a threat as this is; but, rather, it is the trauma and dysfunction that is faced by so many of our children, because they are the future of this country.

Currently, roughly 50 percent of our young people are growing up without both biological parents. We have 20 million fatherless children in our Nation. I used to work with some of those young people. And when your father does not care enough about you to stay around to even see what you look like, it leaves a hole in your psyche that you are often times trying to fill for the rest of your life and usually filling it with all of the wrong things.

Currently, the United States leads the world in violence for young people: homicide, suicide, so on. We also are certainly very much addicted to drugs, alcohol abuse with teenagers, pornography. These are every day threats that our young people face. So having said all that, mentoring is the best-known remedy that many of us have for the social pathology that is harming our children today which threatens the foundation of our culture and our society.

Let me take a minute or two and mention what a mentor is. Some people hear the term and do not think about it very much. A mentor is someone who cares. Quite often children have some attention from fathers, mothers, grandparents, teachers and preachers and people who are paid to pay attention to them in some way or another. But a mentor is one who simply cares enough to show up and spend time with a young person and say unconditionally, I, someone who has no ax to grind at all, cares enough about you to show up every week or twice a week or whatever and spend some time and invest my life in your life.

A mentor is also someone who affirms. And I saw in my previous profession of coaching how important affirmation was. So often if you gave the player the message that he was not very good, that he did not measure up, that he was not going to make it, often times his performance would begin to play down to that level of expectation. But on the other hand, if you told him, I really believe in you, I see some promise in you, we think you have a great future, we think down the line you will be a great player, that player often times would perform at a level that he himself was not aware that he could perform at.

So that is essentially what a mentor does. A mentor affirms. He says, I believe in you. I see some potential here. I see some talent.

So many of our young people today have no affirmation in their lives, no one who is affirming who they are, what they are or what they can do.

Lastly, I would say a mentor is one who provides some directions and vision. So many young people are growing up in households today where they really do not have a role model who has shown what it is to get up and go to work every day, someone who takes responsibility, someone who finishes their education or someone who just finishes anything. A mentor is one who can say, I see a future for you beyond dropping out at the end of the tenth grade. I see a future for you beyond minimum-wage jobs, and you have this talent and you can do this.

So mentoring is very important, and I think it is important to realize also that mentoring works. We have currently a great deal of evidence that indicates that mentoring will reduce drug and alcohol abuse by roughly 50 percent, significantly reduces teenage pregnancy, teenage drop-out rates, teenage violence; and it improves self-esteem, grades, and relationships. And so it is the best thing that we have going, considering what our children are facing today.

The other thing to remember is that mentoring is cost effective. It costs roughly $300 to $500 to provide a good mentoring experience for a child, and it costs $25,000 to $30,000 to lock them up for a year. The average meth addict will commit 64 crimes a year, which is a huge cost to any community. So we feel that mentoring at the front end reduces a great many of the costs at the back end of the social process.

Two years ago, the first Mentoring for Success grants were awarded by the

Department of Education. And to give an idea of how important these grants were, we had roughly 10 times as many applicants as we had grants to award. So that $17.5 million that was awarded went very quickly and was well spent.

This fiscal year with the President's support, funding for mentoring has been increased in the omnibus bill, if we can get that passed, which includes mentoring for children of prisoners as well. It increases from $17.5 million to $100 million. So the President has put a significant emphasis on mentoring, which we think is very important.

The National Mentoring Partnership estimates that 2.5 million children have mentors in our country today, and roughly 17.5 million badly need a mentor. So we are mentoring just about 1 out of 10 that need it. But actually, almost every child could use a mentor. Most every successful person can point to a mentor in their life that has made a huge difference.

Congressional staff members are mentoring. One example is Horton's Kids. I would encourage Members of Congress to encourage their staff members to be active here on the Hill because this provides a great service and a great example. As we celebrate National Mentoring Month through January, I want to commend all who support mentoring by contributing their time and financial resources.

Working together one child at a time, we can make a difference.

Mr. Speaker, I include the following for the RECORD:

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, January 20, 2004.

Hon. TOM OSBORNE,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE OSBORNE: As President of the American Osteopathic Association (AOA), I am pleased to inform you of our support for your resolution. The AOA, and the 52,000 osteopathic physicians it represents, extends its sincere gratitude to you for your support and advocacy of mentoring programs.

Andrew Taylor Still, M.D., D.O., founder of osteopathic medicine, dedicated his life to improving the health and well-being of his fellow citizens. Through a lifetime of sharing his knowledge and experiences, he shaped the lives of thousands of physicians and provided direction to an entire profession. He was a mentor in the truest sense. Recognizing the significant role of mentors and the contributions they make to enhance the studies and careers of osteopathic physicians, I have made my presidency the Year of the Mentor. Throughout the year, we work to recognize those who have contributed their time and talents to mentoring. In addition, we work to enroll new mentors who will shape the minds and talents of future D.O.s.

Your resolution, celebrating January 2004 as the Month of the Mentor, supports efforts to honor mentors and increase the number of individuals involved in mentoring programs. As evidenced by the lives and careers of those who have been mentored, mentoring positively impacts individuals and communities. As a result of mentoring within the osteopathic profession, beginning with our founder, patients benefit by receiving quality care from physicians who have enhanced their knowledge through the years of learning and experience of their mentors.

On behalf of my fellow osteopathic physicians, I pledge our support for your effort to promote mentoring programs. Please do not hesitate to call upon the AOA or our members for assistance on health care issues. Please contact the AOA's Department of Government Relations at (202) 414–0140 for additional information.

Sincerely,

DARRYL A. BEECHLER,
President.

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

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

Mr. Speaker, I want to thank my colleague from Nebraska for his leadership in bringing this resolution recognizing National Mentoring Month to the floor today. Since he arrived in Congress, the gentleman from Nebraska (Mr. OSBORNE) has worked to make youth issues a priority, and this resolution is another example of his dedication to this effort.

Without a doubt, Mr. Speaker, mentoring is a proven strategy that can change the lives of children and youth, and, I might add, adds additional value to the lives of those who provide the mentoring service.

When a young person is matched with a caring, responsible individual, this relationship makes a positive difference in the quality of life for that young person. For too long we have focused on providing remedies to problems that only address negative behavior rather than looking at ways that promote the positive and healthy development of our young people. This resolution directs us to focus on what children need to grow into healthy, safe, and well-educated adults, making sure that children have access to a caring and responsible adult relationship.

A recent report from the Greater West Town Community Development Project showed that nearly 18 percent of Chicago public school students drop out. Another report from the Annie E. Casey Foundation showed that more than 200,000 Chicago-area children are living in severely distressed neighborhoods. These are among the tens of thousands of Chicago area youth who could dramatically benefit from having a mentor, since without one, some would never be exposed to healthy, productive lifestyles and the development of real-life skills.

Research shows that young people who are mentored had a stronger attachment to school, have higher graduation rates and decreased involvement with drugs and violence. Mentoring opens young people's eyes to a brighter future, and every young person deserves that opportunity. But right now there are simply not enough mentors to go around.

This resolution brings much needed attention to the value of mentoring and encourages communities to focus their efforts on recruiting more adult mentors so that we can fill the gap that currently exists. I am proud of many of the great mentoring programs that are already in place in Chicago, such as Mercy Home's Friends First program, Sinai Mentoring Program which links Sinai professionals with youth from North and South Lawndale high schools, as well as the involvement of the Chicago Cubs headed by Coach Dusty Baker kicking off the celebration of National Mentoring Month in Chicago last week.

In Chicago and across the country, it is clear that the framework is in place. Now we just need more people to volunteer their time and help change the life of a child. I am very pleased to be associated with many groups and organizations, like the Alpha Phi Alpha fraternity, which has a great national mentoring program, and especially my local chapter Mu Mu Lambda. I am also pleased to be associated with the 100 Black Men of America who have mentoring programs in chapters throughout the Nation.

So I want to commend also the Chicago public school system, the board of education, for a program called Cradle to the Classroom where they have mentors who work individually with young parents, students who have become pregnant and who have children and yet have been able to finish their high school education and graduate with the help of a mentor.

So once again I would commend the gentleman from Nebraska (Mr. OSBORNE) for his insight, dedication, and continuous work with the development of young people as expressed in this resolution. I urge strong support for it.

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

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for his kind comments.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, who has been very supportive of mentoring; and we certainly appreciate all he does on the committee.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) and the sponsor of this resolution for the time and congratulate him for his leadership on the very important issue of mentoring.

□ 1045

As he pointed out very rightly, many children in America need the help and support that many times they do not get at home, and the gentleman from Nebraska (Mr. OSBORNE) has led the efforts over the 3 years that he has been here in Congress to bring our attention to the need for more mentors, and probably no one in the Congress is more qualified to talk about the need for mentors than someone who mentored a young man on the football field for many years.

But beyond his prowess as a coach and mentor of a lot of young men, the gentleman from Nebraska (Mr.

OSBORNE) spent much time around his State of Nebraska helping to establish mentoring programs there, and during the years he has been in Congress, has continued his efforts, and I want to congratulate him for all of his work.

Mentors do provide affirmation and a guidepost for many children who do not get affirmation and do not get the kind of guidance that they need. I know in my home State of Ohio we have a program called Ohio Reads. Many schools in my district have grants where it is a mentoring-based program to help children who need help in reading, and many people throughout my community and communities throughout my district and the State mentor in many schools to help young people achieve more proficiency in their reading.

Here in Washington and other cities around America, there is a program called Everybody Wins, and here in Washington, that program involves many staffers here on Capitol Hill and Members who read to children in various schools throughout the city. I am proud that many of my staff, both of my committee staff and my personal staff, are mentors to young people, again trying to help them read and to provide guidance for them.

One of those mentors is my assistant in my office, Amy Hobart, who for 5 years, has read to a young girl at Tyler Elementary School here on Capitol Hill, and the child has her share of problems, but every week, Amy goes over there and spends an hour helping that young lady master her reading skills. But those are just several mere examples of the millions of Americans who do, in fact, volunteer.

The last point that I would make is that many of us as Members, as we go around our districts and around the country, people always ask, well, what can I do, what can I do to help, and everybody in America has something to offer to some young person in America. So I would suggest to my fellow Americans that they can volunteer, whether it is reading to someone, whether it is going to a Boys Club or Girls Club, whether it is going to a juvenile detention facility. There are many ways that the people can help, and I would urge them to do that.

I congratulate my colleague for bringing this resolution to the floor today.

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

Listening to the discussion reminds me of the fact that I spent some time as a big brother, and I think I may have gotten more out of the relationship than the young fellow who was my little brother. I remember a few years ago I got a call from a fellow who said to me that Vice President Al Gore was coming to town and did I want to meet with him. I said, well, I would not mind. He says, do you know who this is? I said, well, no, I really do not. He said, this is Courtney Miller, your little brother, and of course, Courtney had grown up and at that particular time was working for the Vice President of the United States.

I also served for about 12 years as the commissioner of Boy Scouts in my community, and just day before yesterday I was at a Martin Luther King celebration, and there was a young fellow there who had become a minister, Jonathan Carter. As Jonathan participated in the services, he says, well, you know, I used to be a Boy Scout when you were the scouting commissioner and I have now become what I am. He said, I remember you coming to our Eagle Scout celebration and talking about how great it was.

So my point is that oftentimes those who serve as mentors will get as much from the relationship as the young people that they associate themselves with.

I listened to the chairman talking about the fact that everybody can be a part of this. One does not really need to have a degree. One does not need to have a title. One does not need to be an elected official. One does not have to be anything special other than themselves.

We have just finished celebrating the life of Dr. Martin Luther King, and one of the things that Dr. King often would say is that everybody can be great because everybody can serve. When it comes to mentoring young people, no matter who we are and where we are, we can serve. We can be a part of helping to grow and develop the life of someone else.

So, again, I commend the gentleman from Nebraska (Mr. OSBORNE) for this resolution and urge its passage.

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

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

I thank the gentleman for his comments and his commitment to mentoring. Ofttimes we hear the complaint ''too busy,'' and yet I have found the time over the last 4 years, sometimes it is Saturday, sometimes it is a Monday, sometimes it is Friday, to meet regularly with a mentoree. I mentor a young person and also several members from my office have been mentoring here on Capitol Hill.

So, again, I would urge my colleagues to encourage their office staff to do the same.

Mr. KELLER. Mr. Speaker, I rise today to support the National Mentoring Month Resolution introduced by Congressman TOM OSBORNE. This resolution recognizes and supports the efforts of mentoring programs across our Nation. It embraces the notion that volunteer mentors can change the life of a troubled teen. This resolution celebrates the month of January as a month-long campaign focused on raising awareness of mentoring programs, their impact on our youth, and information on how to volunteer to become a mentor.

I am proud to be an original cosponsor to Congressman OSBORNE's resolution. Both Coach OSBORNE and I worked as mentors before coming to Congress and both felt a need to raise awareness of the cause once we were elected. Last Congress, we successfully passed the Mentoring for Success program, which provided money to start up new mentoring programs across the country. We also fought for increased Federal funding for local mentoring programs bringing that total to $100 million this year. In addition, we founded the Congressional Mentoring Caucus, a bipartisan organization designed to disseminate information about the positive impact mentoring programs have on our Nation's children.

Mentoring programs offer many benefits to children, particularly as it relates to educating our children. These programs are proven to help prevent children from dropping out of high school. In the state of Florida, we had a big problem. Only 53 percent of our children were graduating from high school. So, in Central Florida, we decided to do something about it by creating the Orlando/Orange County Compact Program. The Compact Program is a mentoring program that matches up students at risk of dropping out of high school with mentors from the business community. The mentors meet with the students 1 hour a week to work on homework and projects.

The results from this mentoring program have been dramatic. Over a period of 10 years, 98 percent of the children in the Compact Program have graduated from high school—the No. 1 graduation rate in the United States.

I would also like to discuss the crime prevention benefits of mentoring programs. In Florida, 70 percent of the inmates in our jails and prisons are high school dropouts. It costs taxpayers $25,000 a year for each Federal prisoner, compared with only $5,000 a year to educate a student in our public schools. Clearly, making the investment in mentoring programs now will save us literally hundreds of millions of dollars down the road in terms of reduced jail costs and reduced welfare costs.

In summary, mentoring programs make a meaningful difference in the lives of our young people; they improve education, prevent crimes, and will save us money. I urge all of my colleagues to support National Mentoring Month by participating in local programs in their home districts—together we can make a difference in the lives of our children.

Mrs. DAVIS of California. Mr. Speaker, I am honored to join my colleague from Nebraska, TOM OSBORNE, in support of House Resolution 491, which recognizes the critical role of mentors in our children's lives.

Ralph Waldo Emerson once said, ''It is one of the most beautiful compensations of this life that no man can sincerely try to help another without helping himself.''

I can think of no better way to summarize the true reward of mentoring than by recognizing the inherent truth in this statement.

The mentoring partnership is unique, because it is one of the few relationships where both sides stand to benefit immensely.

Both individuals bring their own—and oftentimes, very different—set of life experiences to the table, and this has the pleasantly surprising effect of forcing us outside of our own comfort zones.

It is easy for us to relate to those with whom we share obvious similarities, but venturing outside of that comfort zone gives us the opportunity to view the world from an entirely different perspective.

While it may seem too difficult, or uncomfortable at first, you will find that you are a richer person for it in the end.

My experiences as the executive director of the Aaron Price Fellows Program have also taught me a great deal about the rewards of mentoring.

Being a mentor is not about rescuing someone—but it is about helping young people to discover their own hidden strengths and talents.

In today's world, children need more than a sense of right and wrong. They need knowledge, and they need someone they can trust to provide it to them. The risk factors that face teenagers today are not only dangerous—they are prevalent.

If we fail our responsibility to educate young people on the choices they face, then we fail to prepare them to make the right decisions. And the decisions they make will impact them for the rest of their lives—for better or for worse.

In these situations, the most important information they can receive will come not from a textbook, but from the wisdom and experience of someone who cares; someone who has taken the time to invest in that young person's life and to share the lessons life has to offer. It is here that we have the greatest potential to make a difference.

Believe it or not, the relationship built on trust and mutual respect can be the one that finally opens the door to knowledge. It leads the way to a stronger sense of self and an ability to confront life's challenges wisely. To put it in the simplest of terms—mentoring matters.

No matter what side of the mentoring relationship you find yourself on, the rewards will last a lifetime.

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of the resolution, this Member wishes to add his strong support for H. Res. 491, which supports efforts to encourage more individuals to become mentors. In addition to raising awareness, a key provision is to commend those who give their time and talents to support mentoring initiatives.

This Member would like to commend the distinguished gentleman from Ohio [Mr. BOEHNER], the chairman of the House Committee on Education and the Workforce, and the distinguished gentleman from California [Mr. MILLER], the ranking member of the House Committee on Education and the Workforce for bringing this important resolution to the House Floor today; this issue is very timely as January 2004 is National Mentoring Month. This Member would also like to commend the distinguished gentleman form Nebraska [Mr. OSBORNE] for sponsoring H. Res. 491 and for his personal interest in establishing mentoring opportunities nationwide.

Many children throughout the Untied States face difficult situations—and when matched with a caring and responsible adult, positive results ensue. Research has shown that mentoring benefits young people in a positive manner by increasing school attendance, improving rates of secondary school graduation and college attendance, decreasing involvement with drugs and alcohol, and reducing violent behavior.

Mr. Speaker, in closing, this Member urges his colleagues to support H. Res. 491.

Mr. CRENSHAW. Mr. Speaker, I rise today in support of House Resolution 491, a bill that promotes mentoring as a very worthwhile and much needed cause.

This measure recognizes that mentors serve as a guiding light, a benchmark, and a valuable asset for the many young people in America who might not otherwise have access to such a role model.

For many young people, mentors set an example of civility and stability. Mentors promote education and community respect. Mentors teach young people that there are many benefits to contributing to selfless efforts such as charity drives, neighborhood cleanups, and serving in soup kitchens.

In my congressional district of northeast Florida, there are a great many volunteers that selflessly give guidance, time, and resources to young people.

This resolution thanks those people who currently serve as mentors, and places a special focus on tapping into the vast pool of potential mentors. My hope is that this resolution will motivate more adults to take action to help America's young people.

This House resolution recognizes numerous studies documenting that mentors help young people to augment social skills, enhance emotional well being, improve cognitive skills, and to plan for the future. It also recognizes that for some children, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life.

As a mentor, I personally know the satisfaction it brings to offer advice and guidance to a young person. I have known my mentor, Derek Williams, for many years. Over that period we have become good friends. Today I am proud to say that he is in college, furthering his education, and building a strong foundation for his future.

This measure does more than encourage mentoring; it gives thanks to those who already participate in mentoring programs. We should shower these people with praise because their actions do a lot to benefit society. That is why during the 107th session of Congress, I introduced a bill establishing American Youth Day, a measure encouraging communities all across the Nation to set aside one day each year to honor organizations and individuals that take the time to help young people.

For all its wealth and prosperity, in recent years America has been suffering from what I call problems of the soul, where courts and Congress do not have any jurisdiction. So many of our neighbors have lost their moral compass and need help finding their way again when it comes to moral values. This is most true when it comes to our young people.

There no longer seems to be a period in young people's lives when kids can just be kids. Mr. Speaker, it makes no difference what their race, their gender, their ethnicity. These negative images and influences make no distinction and no prejudices; all young people are fair game.

So it is incumbent on each and every one of us to offer our time and energy and love to children to provide positive role models and influences to young people to give them guidance and hope.

Currently, 17.6 million young people, nearly half the youth population, want or need mentors to help them reach their full potential. Only 2½ million youth are in formal mentoring relationships, leaving 15 million young people still in need of mentors.

This resolution is a call to action, designating January 2004 as National Mentoring Month. It is my hope that this month-long celebration of mentoring will encourage more adults to volunteer their time as mentors for young people and enlist the involvement of nonprofit organizations, schools, businesses, faith communities, and government agencies in the mentoring movement.

As President Bush noted last night in his state of the Union address, America's young people face dangers. Young people face negative cultural influences that glorify and glamorize those things that can hurt them most. Mentoring is focused on providing young people the best our society can offer—hope, stability, guidance, and understanding.

Mr. CASTLE. Mr. Speaker, I rise in strong support of H. Res. 491, legislation recognizing the importance of mentoring.

This resolution, introduced by the gentleman from Nebraska (Mr. OSBORNE), reminds us all of the important role that caring adults play in the lives of our Nation's youth, and I thank the gentleman for his work in Congress—as well as his work with his own mentoring organization, ''TeamMates of Nebraska''—on this important issue.

Today's teens cope with major physical changes, emotional ups and downs, peer pressures and a changing identity, but they are also confronted by a more complex and impersonal society where drugs and alcohol are easily available and tragedies, such as AIDS and violence, strike too close to home. In this time of growth and uncertainty, our children need positive role models, or mentors, in their lives.

Simply, a mentor is an adult who, along with parents, provides young people with support, counsel, and friendship. Most important, mentors are people who care. And, for many children, that makes all the difference.

According to recent research, children with mentors are 46 percent less likely to begin using illegal drugs, 52 percent less likely to skip school, and 33 percent less likely to get into fights. In addition, children with mentors reported greater confidence in their performance at school and better relationships with their families.

Despite these positive outcomes, too many children who need a mentor do not have one. In my state of Delaware alone, an estimated 10,000 young people could benefit from a positive, supportive relationship with an adult, but approximately 7,000 are currently served.

It is therefore appropriate that January is National Mentoring Month, a time in which we encourage caring adults to reach out to the children and youth in their communities. As part of that effort, I want to recognize the many businesses, churches and community groups that partner with our schools to provide mentors to children in need as well as the informal mentoring relationships that exist between teachers, coaches and neighbors. I also want to recognize those who lend their expertise or contribute financially to mentoring organizations. Their support is as important as volunteering to become a mentor.

Again, I thank the gentleman for his resolution and I urge an ''aye'' vote.

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 491.

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. OSBORNE. 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.

RECOGNIZING AND COMMENDING ACHIEVEMENTS OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JET PROPULSION LABORATORY, AND CORNELL UNIVERSITY IN CONDUCTING THE MARS EXPLORATION ROVER MISSION

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 490) recognizing and commending the achievements of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory, and Cornell University in conducting the Mars Exploration Rover mission, and recognizing the importance of space exploration.

The Clerk read as follows:

H. RES. 490

Whereas since its inception in 1958 the National Aeronautics and Space Administration has achieved extraordinary scientific and technological feats;

Whereas the National Aeronautics and Space Administration's exploration of space has taught us to view Earth, ourselves, and the universe in a new way, opening our eyes and minds to great and new possibilities;

Whereas for over 40 years the National Aeronautics and Space Administration's Jet Propulsion Laboratory has led the world in the robotic exploration of the solar system, commanding the first United States unmanned missions to the Moon, Venus, Mars, Mercury, Jupiter, Saturn, Uranus, Neptune, and most recently, the edge of our solar system;

Whereas the Jet Propulsion Laboratory began the space age for the United States in 1958 with the successful development and launch of the Explorer 1, the first United States satellite;

Whereas the Jet Propulsion Laboratory conducted the first interplanetary mission, in which the Mariner 2 spacecraft arrived at Venus in December 1962;

Whereas over 100 years ago Russian astrophysicist Konstantin Tsiolkovsky asked, ''to observe Mars from a distance of several tens of kilometers, to land on its satellite or even on its surface, what could be more fantastic?'';

Whereas the Jet Propulsion Laboratory fulfilled Konstantin Tsiolkovsky's vision when it navigated the Viking mission, developed the Viking Orbiter, and in 1976 successfully operated the Viking 1 and 2 robot landers on Mars, the first missions to land a spacecraft safely on the surface of another planet;

Whereas more than 26 years after its launch in 1977, the Jet Propulsion Laboratory's Voyager 1, which unlocked the mysteries of the outer planets of our solar system, continues to expand our understanding of the farthest reaches of our solar system;

Whereas the Jet Propulsion Laboratory's Mars Pathfinder successfully landed on the Martian surface on July 4, 1997, launching the first United States free-roving exploration of another planet and inspiring a new generation of children to dream of the heavens;

Whereas after a journey of nearly seven years the Jet Propulsion Laboratory's Cassini-Huygens spacecraft will enter Saturn's orbit and begin to explore the solar system's second largest planet on July 1, 2004, and subsequently dispatch Huygens, a European-built probe, to the surface of Titan, Saturn's largest moon;

Whereas the Jet Propulsion Laboratory's Stardust spacecraft, having traveled more than 3,000,000,000 miles, will return to Earth on January 15, 2006, with the first extraterrestrial materials from beyond the orbit of the Moon;

Whereas the Mars Exploration Rovers Spirit and Opportunity were launched on June 10, 2003, and July 7, 2003, respectively, on missions to search for evidence indicating that Mars once held conditions hospitable to life;

Whereas Cornell University has led the development of the five science instruments carried by the two Rovers, is leading a science team consisting of 150 preeminent astronomers and engineers in the science investigation for the Mars mission, and is playing a leading role in both the operation of the two Rovers and the processing and analysis of the images and other data sent back to Earth;

Whereas the Rovers' landing sites were selected on the basis of intensive study of orbital data collected by the Mars Global Surveyor and Mars Pathfinder missions;

Whereas Spirit's landing site, formerly known as Gusev Crater and renamed Columbia Memorial Station, is thought to have once contained a large lake and may hold water-laid sediments that preserve important records of the lake environment, the sediments' highlands origins, and the sediments' river trip;

Whereas Opportunity's landing site, the Meridiani Planum, contains exposed deposits of a mineral that usually forms under watery conditions;

Whereas each Rover will conduct a three-month scientific study of the geologic records at the sites and evaluate whether those conditions would have been suitable for life;

Whereas each 384-pound Rover, roughly the size of a golf cart, traveled approximately 300,000,000 miles to reach Mars;

Whereas the craft carrying each Rover reaches speeds nearing 12,000 miles per hour when entering the Mars atmosphere before decelerating to a vertical stop in just over six minutes;

Whereas, during the period between entry into the Mars atmosphere and the Rovers' landing, over one dozen intricate operations need to be performed perfectly at just the right point for the Rovers to survive;

Whereas Spirit successfully completed entry, descent, and landing on January 3, 2004, at 11:35 p.m. eastern standard time, and within hours was beaming photographs of the Martian surface back to Earth;

Whereas Spirit is to be joined on the surface of Mars by its twin, Opportunity, on January 24, 2004; and

Whereas the engineers, scientists, and technicians of the Jet Propulsion Laboratory have played a vital role in the Nation's space program and set an example for the rest of us to follow: Now therefore be it

Resolved, That the House of Representatives—

(1) commends the engineers, scientists, and technicians of the Jet Propulsion Laboratory and Cornell University for their years of effort leading up to the successful entry, descent, landing, and operation of the Mars Exploration Rover Spirit on the Martian surface on January 3, 2004;

(2) recognizes the importance to the Nation and to humanity of the exploration of space; and

(3) honors the achievements of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory, and Cornell University in expanding our comprehension of the universe and fulfilling the human need to explore and understand.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 490, the resolution now under consideration.

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

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I would consume.

Last week, Mr. Speaker, President Bush unveiled our administration's vision for space exploration, including humans returning to the moon and eventually traveling on to Mars. The President's plan envisions a working relationship between both man and machine in charting new pathways for exploring the solar system.

On January 3, we all witnessed a new chapter in America's continuing space experience with the success and the landing of the Spirit on the martian surface. The creative and hardworking professionals at the Jet Propulsion Laboratory in Pasadena, California, and at Cornell University at Ithaca, New York, have once again hit the bull's eye after a 300-million-mile trip.

As chairman of the Subcommittee on Space and Aeronautics, I rise in support of the gentleman from California's (Mr. DREIER) resolution, H. Res. 490, to honor NASA and those working on this exciting mission. Over the course of my tenure as chairman, I am particularly pleased that our Members have fought hard on a bipartisan basis to ensure the exploration of neighboring planets and to make the investment in basic research that is so necessary for human progress in the area of technology.

In the past, JPL has managed such spectacular missions as the Ulysses Solar Polar mission and the Cassini-Huygens mission to Saturn and the Viking Landers on Mars, and like so many other missions before them, Spirit, and soon its partner Opportunity, will also dramatically increase the scientific knowledge available to those of us on earth, scientific knowledge that will be put to good use for the benefit of all people.

The collaboration between the Jet Propulsion Laboratory and Cornell University, in enabling Spirit to deliver spectacular images of the martian

landscape, is exemplary of the teamwork among public and private sectors and academia. I consider the engineers, technicians and scientists at JPL and Cornell to be space pioneers of the finest tradition and heroes of technology.

Indeed, the gentleman from California (Mr. DREIER) also is to be commended for his leadership in spearheading this resolution before us today. We all share the gentleman from California's (Mr. DREIER) desire to recognize the contributions being made in furthering our knowledge of the heavens. This is a fine tribute to the extraordinary scientific and technological accomplishments of the Nation's scientific community.

In closing, I applaud our administration's decision in taking bold steps in renewing our commitment to space exploration. I am confident that the dedicated men and women of our space program will be in the forefront of this Nation's efforts in taming new frontiers and expanding human knowledge and in leading human progress.

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

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

The House today has the pleasant task of congratulating the Mars Exploration Rover team for their success in landing the Spirit Rover on Mars on January 3. The pictures being returned from the surface of Mars reminds us of the excitement that comes from seeing new places for the first time and wondering what we will learn from being there.

NASA, the Jet Propulsion Laboratory and Cornell University can be proud of what has been accomplished, and I am pleased to be a cosponsor of this resolution offered here by the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, my friend, who demonstrated today the power of the Committee on Rules chairman by expediting this motion. I compliment him for that, as well as the gentleman from California (Mr. SCHIFF) who represents several of the employees there at JPL.

The premier position of the United States in planetary exploration owes much to NASA's Jet Propulsion Laboratory. Astronomy textbooks after 1980 had to be rewritten in the aftermath of the epic Voyager mission, and spacecraft developed by JPL have taken us to all of the planets except for Pluto.

□ 1100

But Mars has been a prime target for robotic exploration since the 1960s. There have been both triumphs and setbacks in that exploration as NASA has attempted ever more ambitious missions. The images have been awe-inspiring. For example, Mariner 9 showed us mountains taller than Everest and the immense Valley of the Mariners, a canyon deeper and longer than our own Grand Canyon.

We have learned much from our spacecraft in orbit around Mars, but there is no substitute for being on the surface. The Spirit rover builds on the experience gained from the Viking missions of the mid-1970s as well as from Sojourner, the rover that accompanied Mars Pathfinder to the Red Planet in 1997. This time, however, we are going to visit a lot more of the Martian neighborhood.

The Nation's future in space has been much on my mind since the terrible day almost a year ago when the Space Shuttle *Columbia* did not make it home. The critical issue we have to address is how best to use human skills and robotic capacities in NASA's future programs. It was robotic Ranger and Lunar Orbiter spacecraft that prepared the way to the Moon for Armstrong and Aldrin, and it will be Spirit and its successors that will draw the maps future Martian explorers will carry.

Mr. Speaker, JPL has provided NASA some of its proudest moments, and today we salute its latest accomplishment. I am pleased to join in the resolution proposed by the gentleman from California and recommend its adoption.

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

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

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

Mr. BOEHLERT. Mr. Speaker, I stand today in support of the resolution offered by my colleague, the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER); and I thank him for working with me to ensure that the resolution recognizes the contributions of Cornell University in upstate New York. One of the outstanding attributes of the Jet Propulsion Laboratory is the way it works with academic and private-sector scientists at universities throughout the United States, and indeed the entire world. Efforts like the current mission to Mars are truly team efforts in which our entire planet reaches out to other worlds.

We are already seeing the results of that teamwork with the stunning images of the Martian surface that the aptly named Recovery Spirit is beaming back to Earth. Now Spirit is beginning to examine a rock called Adirondack, named after a well-known feature of the upstate New York landscape. We look forward to the other rover, Opportunity, touching down successfully next week and beginning to explore another side of Mars.

The details of the Mars mission are at once mundane and other-worldly, simple to recite, yet mind-boggling to contemplate. Each of these Rovers weighs about 400 pounds and is about the size of a golf cart. Each is fitted with sensitive scientific equipment designed to survey the geology of Mars and help an international team of 150 scientists back here on Earth determine whether water was ever a part of the Martian landscape and whether the planet could once have supported life.

This team of extraordinarily dedicated scientists is led by Dr. Steven Squyers of Cornell University. Dr. Squyers and his team developed the scientific instruments the rover missions carried. They operate them by remote control from over 15 million miles away here on Earth, and they are the chief investigators who will sift through the voluminous streams of data that the Rovers beam back to us daily.

The faculty and students at Cornell who are participating in this wondrous mission of discovery are clearly taking delight in their historic opportunity, and we are blessed to have the benefit of their years of hard work and dedication. I congratulate them and the scientists and engineers at NASA and the Jet Propulsion Laboratory for their stunning success in the rover missions.

Even though the work on the Martian surface has just begun, the team at JPL and Cornell University have already provided us with priceless inspiration and new ways to see our universe. We look forward with great anticipation to sharing their achievements in the coming days and years.

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

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

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

Mr. Speaker, for thousands of years people have looked to the heavens and wondered what was up there, what were the dots of light scattered on the hemisphere of the night sky, what is our place in all of this.

The Moon, the planets, and the stars became part of ancient religions. Heroes were immortalized as constellations. Planets, whose irregular movements and brightness set them apart from the stars, were named after gods. Celestial events foretold the death of kings; they augured victory in war.

But for our ancestors, the changing sky also had a practical effect. For millennia, the movements of the Moon and stars guided the rhythms of human life; they told people when to plant and when to harvest. Wars were planned based on the phases of the Moon.

Even as they wondered, planted, harvested, and fought in keeping with the seasons, people dreamed of visiting these other worlds, of expanding humanity's realm, of satisfying the human yearning to explore. The telescope, which Galileo first turned to the heavens in 1609, changed our view of the cosmos. The myriad points of light began to resolve themselves into planets with moons, galaxies, nebulae, and clusters of stars. The universe, which had seemed static, was revealed as a

place of infinite distance and incredible dynamism. Our view of space and of ourselves was changed forever.

It would be another 450 years before human beings could begin to take our first forays from the protective cocoon of the Earth. Throughout that time, telescopes grew larger and more powerful; astronomers learned more about our solar system, our galaxy, and the tens of millions of other galaxies throughout the universe. Still, even as the Moon and our nearby planetary neighbors tantalized us, they seemed hopelessly out of reach.

With the development of large rockets after World War II, humans were finally able to escape the Earth's gravity and venture into space. During the past half century, from the grapefruit-sized Explorer I, which was America's first satellite, to the International Space Station now being built 200 miles above us, we have begun to learn to operate in the harsh environs of space.

Throughout its existence, America's space program has operated on dual tracks. On the one hand, we have stressed human space flight, which is costly, often dangerous. With the exception of Apollo lunar landing missions, humans have not ventured beyond the relative safety of low-Earth orbit. The other track we have followed is the robotic exploration of our solar system, using spacecraft that are impervious to the harsh conditions of space and unaffected by the enormous distances necessary to explore our planetary neighbors.

Our unmanned space probes, from the Ranger and Surveyor craft that paved the way for Apollo, to the Voyager spacecraft that explored the outer planets and are still continuing to send back data even as they leave the solar system, have increased our comprehension beyond anything even contemplated half a century ago.

On Mars, we have witnessed dust storms on Olympus Mons, the largest mountain in our solar system. We have peered through Venus' clouds at its broiling surface. We have discovered new moons and ring systems around the outer planets. And as we speak, a small spacecraft bearing dust from a comet is zooming back towards the Earth and will parachute into Utah on January 15, 2006.

This summer, the Cassini spacecraft will enter the orbit of Saturn and will dispatch a small probe called Huygens to explore the atmosphere of Saturn's largest moon, Titan.

NASA's Jet Propulsion Laboratory, managed by the California Institute of Technology, has designed, built, and controlled all of these programs. JPL has been the pioneer of our exploration of the solar system from the beginning of our space program. Earlier I mentioned JPL's Explorer I, America's first satellite. At the time it was launched, the United States has fallen behind the Soviet Union in the space race, and several other attempts at getting an American Sputnik into orbit had ended in fiery explosions on the launch pad. Not only did Explorer I salvage our pride, but the tiny satellite discovered the Van Allen radiation belts that circle the Earth.

Every American space probe that has visited another planet was managed by JPL. Through the wonders of technology, we have zoomed by Jupiter with Voyager, witnessed a Martian sunset with Viking, and rolled across the surface of Mars with Sojourner.

Whom do we have to thank for unlocking the wonders of our solar system, for providing brilliant three- dimensional images of the Martian surface, and for making us desire even great discoveries? For this, we must thank the women and men of the Jet Propulsion Laboratory in California. Each day, under the leadership of Dr. Charles Elachi, the employees of the Jet Propulsion Laboratory work tirelessly to develop and manage America's robotic exploration of space.

Mr. Speaker, they have done it again. The Jet Propulsion Laboratory has brought America back to Mars. I am proud to join with my distinguished colleague and neighbor, the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), in introducing this resolution honoring the men and women of NASA, and especially the Jet Propulsion Laboratory, whose years of effort paid off so spectacularly when the Mars exploration rover Spirit landed on January 3.

Mr. Speaker, led by principal investigator, Steve Squyres, Jet Propulsion Laboratory employees like Peter Theisinger, Richard Cook, Rob Manning, Jennifer Trosper, Mark Adler, Jim Erickson, Matt Wallace, Joy Crisp, Joel Krajewski, Jason Willis, Jim Donaldson, and Jan Chodas have worked around the clock since Spirit's arrival on Mars.

Spirit, the first of JPL's rovers to land on Mars, and Spirit's twin, Opportunity, which is scheduled to touchdown on January 24, will conduct a 3-month scientific study to evaluate whether conditions at one time have been suitable for life on Mars. Equipped with cameras, spectrometers, and a grinder, these robotic explorers are poised to unlock the mysteries of Mars. The breadth of their discoveries is yet unknown, but our confidence in their abilities and the ability of the scientists at JPL, who now live not according to the cycles of their fellow Earthlings but in keeping with the Martian day, is sky high.

Mr. Speaker, Spirit's landing is another milestone in our exploration of the solar system. Let us take a moment to reflect on this occasion and honor those who made it possible. For tomorrow. Our thirst is renewed and our exploration continues.

Mr. ROHRABACHER. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), and I might add the Member in this body who represents JPL in California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I want to rise and join my colleagues, the distinguished chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), who very appropriately recognized the important contribution that Cornell University has made in this effort. And I should say that, even though I have been out at the Jet Propulsion Laboratory in La Canada/Flintridge, the people in that town like to say that, as well as Pasadena. Pasadena and La Canada/Flintridge both claim the Jet Propulsion Laboratory. My friend, the gentleman from California (Mr. SCHIFF), used to represent La Canada/Flintridge. He represents the California Institute of Technology in Pasadena, and I am privileged to actually represent the facility of the Jet Propulsion Laboratory, which is in La Canada/Flintridge.

But as I am at JPL, I have to say to my friend from New York that I have regularly seen the pennants of Cornell University hanging in that facility. So Cornell has a very great presence; and as the gentleman from New York (Mr. BOEHLERT) said, Dr. Steven Squyers, who was the principal investigator, has in fact played a big role in recognizing the importance of Cornell to this project.

The gentleman from California (Mr. ROHRABACHER), my colleague, I am happy to say was with us the night we were able to get images back, the night after the Mars exploratory rover Spirit landed, and has been a real visionary when it comes to the issue of space exploration. I also want to join in congratulating the former member of the Committee on Rules, the gentleman from Tennessee (Mr. GORDON), who is now, I am happy to say, the ranking minority member of not only the subcommittee that the gentleman from California (Mr. ROHRABACHER) chairs but of the full Committee on Science; and of course my friend, the gentleman from California (Mr. SCHIFF), who, as I said, did represent JPL and still continues with a very strong dedication to the science program and this great vision that is out there.

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The gentleman from California (Mr. SCHIFF) gave a great outline of the history of the fascination that we as humans have had for outer space. I think that as we look at where we are going, it is amazing to see this debate which is raging on right now. I am somewhat saddened to hear some of my colleagues refer to the vision that the President set forth in his speech before the employees of NASA a week or so ago as being a joke. I know there are a lot of people who are very cynical about this whole notion of vigorously pursuing the goal of further pursuit of exploration in space, the Moon and Mars in particular.

The reason I am discouraged about it is that I regularly look now into the

eyes of young children who have this great fascination as they look towards the challenge of space exploration. One of the things that is particularly encouraging for me is that that same kind of fascination exists among many Members of Congress, not all but many Members of Congress, and it also exists today among every single one of those people who were named by the gentleman from California. Charles Elachi and the great team, Steve Squyres and Pete Theisinger and all those whom the gentleman from California mentioned continue to have that same fascination and they also have this amazing intellectual curiosity which has played such a big role in pursuing this.

Mr. Speaker, it is impossible for us to describe in words the kind of excitement that has gone into this. The gentleman from California (Mr. SCHIFF) and I have ridden the roller coaster ride. Four years ago last month, we saw the failure of the Mars polar lander. I had the opportunity to wait night after night at JPL to try and get some kind of message of a word back. Unfortunately we failed. But I am so often reminded of the words of Dr. Ed Stone, who was the predecessor of Director Charles Elachi, who said to me 4 years ago, this past month, ''David, if we don't take risks, we won't learn anything.''

That is really what this is all about, taking risks. As we rapidly approach the first anniversary of the tragic loss of those lives in the space shuttle *Challenger*, we can think about those seven men and women who lost their lives a year ago as we look at the great success that we are now experiencing with the Mars exploratory rover program. We have seen the successful landing and messaging coming back from Spirit. This coming weekend, I know my friend, the gentleman from California (Mr. SCHIFF) will be in at the Jet Propulsion Laboratory as we see what I know we all hope and pray will be the same kind of success as we get messages back after seeing the successful landing on another part of the planet of the Mars exploratory rover named Opportunity. Spirit and Opportunity. The names of the two rovers in many ways is exactly what this is all about.

There is one name of someone who was not mentioned by my friend, the gentleman from California (Mr. SCHIFF), who I would like to point to as an individual who actually played a role in the first Viking program nearly 3 decades ago, in 1975 and 1976. He is an individual who was probably the youngest person who was involved in that program 30 years ago, and today he is probably, if not the oldest, one of the oldest involved in the Mars exploratory rover program. His name is Gentry Lee. He has a fascinating outline of what it has been like going from 1975 all the way up to today.

Mr. Speaker, it is so clear that we have limitless opportunities as we look at space exploration. The kinds of tangible evidence that we have seen improving our quality of life continues to go on and on and we still do not know what kinds of opportunities we will find. One of the naysayers was on television the other day. He said in criticizing this program, if we had Mars covered with gold and we went to Mars to get this gold and bring it back, it would cost more to do that than the value of the gold itself. When we look at the imaging technology that has been created with MRIs, when we look at the cellular technology and the satellite telephones and the tremendous advances that have been made technologically not only in the health area but in the area of communications and security, we have transcended the cost of that gold, the value of that gold with what it is that we are doing here.

And so, Mr. Speaker, I simply want to congratulate all of my colleagues who have been involved in this effort and I want to thank all who have joined as cosponsors of this resolution. I also want to include the appropriations subcommittee members who have been so important in this effort too, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) who have been very helpful and have joined as cosponsors. I thank again my colleague from Huntington Beach for his leadership and his continued vision, and I hope very much that we are able to, in a bipartisan way, pursue the goals that have been set forth with President Bush's very dynamic plans for space exploration.

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

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH), the distinguished chairman of the Subcommittee on Research.

Mr. SMITH of Michigan. Mr. Speaker, first let me thank Chairman DREIER, certainly Chairman ROHRABACHER and the rest of the cosponsors of the bill. Let me also thank the scientists at JPL, at Cal Tech, at Cornell that not only have a tremendous amount of knowledge but a tremendous amount of dedication to move ahead on these ventures, often at the sacrifice of a lot of their personal time.

My family has been very involved in JPL. On the 4th, two of my daughters, Stacia Smith and Juliana Bellinger, were at JPL, I like to think, representing me on January 4 at the successful landing. My son did his engineering degree at Cornell and my daughter and her husband, Elizabeth and Fred Burnette, worked at JPL for 8 years. Elizabeth studied physics at Cornell. Just the accomplishments and the excitement that it has brought to this country over the years, somehow it would be nice to renew that kind of dedication and achievement. As chairman of the Subcommittee on Research, research is going to be the key to our future economy, so developing the kind of products that people around the world want to buy and developing the ways to produce those products at a competitive cost is part of the key to our continued economic success.

In conclusion, my very great compliments to the scientists and the management at the Jet Propulsion Laboratory and again my thanks to the gentleman from California (Mr. ROHRABACHER).

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I want to thank the new ranking member of the committee for his kindnesses and generosity. That bodes well for the future.

Science is fun. I can vouch for that as someone who has been a practicing scientist for over 2 decades. Science is also interesting. And science is rewarding. All of that is epitomized by the success of the rover that is currently on Mars transmitting pictures to us and also scientific data and information to us. I am very pleased to join in congratulating the Jet Propulsion Laboratory and their scientists for the successful landing and operation of the rover Spirit on Mars. For over 40 years, the dedicated scientists at JPL have built cutting-edge robotic explorers that have investigated other planets and the far reaches of our solar system and even beyond. These missions have opened windows to the universe, provided us with invaluable scientific information and inspired generations of scientists and engineers.

Just 2 months ago, I was privileged to lead a group of science committee members on a tour of the Jet Propulsion Laboratory. That tour included an exciting meeting with Dr. Daniel McCleese, who is the chief scientist and Dr. Peter Theisinger, the project manager for the Mars exploration project. Their enthusiasm and devotion to this work was clearly evident during our discussion, and it epitomizes the excitement that the scientists at JPL have. They worked endless hours and I am sure they are so interested and excited in their work that they would be willing to do that work without pay if they had some other means of putting food on the table.

Science is fun, as I said, and it is very clear that this grand experiment on Mars is exciting and interesting to our students, our children at our elementary and secondary schools. That is extremely important, because we do not have enough Americans studying science and engineering. Our engineering enrollments in American universities have steadily declined in the last 20 years. One of the reasons is that children in our schools are not excited enough about science. I want to thank JPL and NASA for their efforts to stimulate the excitement of the students in the schools and help generate a new generation of scientists and engineers.

I certainly want to congratulate JPL and all its partners on this latest success in landing the rover Spirit on

Mars. It is truly moving to see the years of devoted scientific work succeed in this effort.

As I saw the first pictures coming back, tears welled in my eyes at the tremendous advancements in science that we are seeing. This experiment also epitomizes what we must do if we are to meet the President's vision. We cannot just pop humans in a space capsule and send them off to Mars. There is an incredible amount of groundwork to be done and the Spirit is one example of the type of work that we have to do if we are going to explore our planetary systems. These experiments are far, far less expensive than sending a human being to Mars and we will have, I would estimate, at least 20 and perhaps even 40 years of such experiments before we are ready to tackle the very difficult and expensive task of sending a human to another planet.

I congratulate once again the JPL crew for their work, and not only JPL, but all of NASA and all the scientific community in the United States. The scientists and engineers continue doing this work in generally anonymity. The great excitement we see them exhibiting as they succeed in their experiments is typical of what goes on in laboratories across the United States, and in fact, across the world, but which we, as laymen, never tend to see. Science is a great profession. It is fun, it is interesting, but especially it is important to the human spirit and important to the success of our Nation and the improvement of the prosperity and the general knowledge of this country. Thank you, JPL.

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

First and foremost, Mr. Speaker, let me congratulate the gentleman from Tennessee (Mr. GORDON). He has been a terrific partner in these efforts that we have gone through in these last 5 years. To the degree that our country has had successful space missions and is developing technologies that will help us on Earth, it has a lot to do with the bipartisan spirit that we have had in our subcommittee and the great and hard work and responsible leadership that the gentleman from Tennessee has provided. He is moving up now. He will be missed.

The bipartisan spirit I talk about is so evident in everything that we do in this subcommittee. Let me note that there are no Democrats and Republicans, there are Americans in our subcommittee. We work together as such. We all believe that if America is to be a prosperous country, if our people are to live good lives and see our standard of living increase for average Americans, that we must remain a major power in space, we must develop the technologies and the science that is necessary to uplift humankind into the cosmos.

□ 1130

If America is to remain at peace, if we are to live in peace, we must be a leading space power. When we meet the challenges of terrorism or the challenges of gangsters throughout the world, gangster regimes that would kill our people, that would harm us, that would threaten the stability and peace of the world, it is our technological edge that gives us the ability to thwart these threats. If we were not the number one power in space and instead that mantle would shift over to some despot or gangster regime or antidemocratic regime, for example, on the mainland of China where they still have the world's worst human rights abusers who are now making investments in space technology, we would not be safe and secure on this planet. The free people on this planet and the American people could not live in peace and security if despots held the high ground, which is space and space technology.

And, finally, if we are to remain a free people, if the United States and America is to remain free, which is our number one value, after all, that unites all Americans, we Americans of every race and every religion and every ethnic background are united by a concept of liberty and justice for all which we pledge to our Flag, but if we are to remain free and have liberty and justice for all, we must be the technological leaders in space because we must remain the society that leads humankind to conquer new frontiers. If we lose that part of the American character that pushes back the frontier and that chooses to lead mankind into places where it has not gone before and to explore that which has not been explored, if we lose that aspect of our character, we will not remain a free people for long.

So what we are doing when it comes to these great achievements like we are applauding today, we are fulfilling our mission that was set out over 200 years ago by our Founding Fathers to lead humankind into a better world and perhaps into the cosmos.

I thank my colleagues for the support they are giving to America's space program. I thank the gentleman from Tennessee (Mr. GORDON) and my friends on the other side of the aisle for being bipartisan and cooperative and all of us for being the type of Americans necessary to maintain that struggle that started with our Founding Fathers over 200 years ago. God bless them.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and agree to the resolution, H. Res. 490.

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. ROHRABACHER. 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.

AGREEING WITH THE SENTIMENT OF THE SENATE REGARDING THE DEATH OF THE HONORABLE PAUL SIMON

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 489) stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281.

The Clerk read as follows:

H. RES. 489

Whereas the Honorable Paul Simon became, at the age of 19, the Nation's youngest editor-publisher when he accepted a Lion's Club challenge to save the Troy Tribune in Troy, Illinois, and subsequently built a chain of 13 newspapers in southern and central Illinois;

Whereas the Honorable Paul Simon used the Troy Tribune to expose criminal activities and in 1951, at age 22, was called as a key witness to testify before the United States Senate's Crime Investigating Committee;

Whereas the Honorable Paul Simon served in the Illinois legislature for 14 years, winning the Independent Voters of Illinois ''Best Legislator Award'' every session;

Whereas the Honorable Paul Simon was elected Lieutenant Governor in 1968 and was the first in Illinois history to be elected to that post with a Governor of another party;

Whereas the Honorable Paul Simon served Illinois in the United States House of Representatives and the United States Senate with devotion and distinction;

Whereas the Honorable Paul Simon is the only individual to have served in the Illinois House of Representatives, the Illinois Senate, the United States House of Representatives, and the United States Senate.

Whereas the Honorable Paul Simon was the founder and director of the Public Policy Institute at Southern Illinois University in Carbondale, Illinois, and taught there for more than six years in the service of the youth of our Nation;

Whereas the Honorable Paul Simon wrote over 20 books and held over 50 honorary degrees;

Whereas the Honorable Paul Simon was an unapologetic champion of the less fortunate and a constant example of caring and honesty in public service;

Whereas his efforts on behalf of Illinoisans and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic death has deprived his State and the Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the House of Representatives agrees with the sentiment expressed by the Senate in Senate Resolution 281.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, this resolution is a resolution basically concurring with the sentiments expressed in Senate Resolution 281, a resolution regarding, really,

the life of Senator Simon, who unfortunately passed away this last December at the age of 75. The Senator had quite a distinguished life of many accomplishments, was during his lifetime both a journalist and an author as well as a public servant. He was prodigious in his work product, passionate in his concerns for his constituents, and cared a great deal.

I must say he and I would not have agreed on anything probably except perhaps the desire to do the best we could for our country. He was an honorable public servant and someone who is fitting should be commended.

Mr. Speaker, I am pleased to rise today to offer for this body's consideration House Resolution 489, a bill stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281 regarding former Illinois Senator Paul Simon, who regrettably passed away on December 9, 2003, shortly after undergoing heart surgery.

The Honorable Paul Simon was born November 29, 1928, in Eugene, Oregon. At the age of 19, Simon became the Nation's youngest editor-publisher when he accepted a local Lion's Club challenge to save the Troy Tribune newspaper in Troy, Illinois. In little time, Paul created a chain of 13 newspapers in southern and central Illinois that were notable for their hard-hitting investigative journalism, as was demonstrated when one of his papers, the Tribune, exposed syndicate gambling connections in Madison County, Illinois.

Paul Simon served our Nation in the U.S. Army from 1951–1953. Following his military service, Paul ran for state office and was elected to the Illinois House in 1954. He then was elected into the Illinois Senate in 1962. During his 14 years in the state legislature, he won the Independent Voters of Illinois' ''Best Legislator Award'' every session.

Simon was elected lieutenant governor of Illinois in 1968, and in this capacity, he became the people's ombudsman. He is widely credited with turning what had been a ceremonial position into a position focused on improving Government's ability to better serve its citizens.

After narrowly losing the 1972 Democratic gubernatorial primary to Dan Walker, Simon started the public affairs reporting program at Sangamon State University in Springfield, Illinois (now the University of Illinois at Springfield), and lectured during the 1972–1973 school year at the John F. Kennedy School of Government at Harvard University.

Simon was elected to the U.S. House of Representatives in 1974 and served Illinois' 22nd and 24th Congressional Districts for 10 years. During his service in the House, Simon played a leading role in drafting and enacting major legislation covering a wide range of issues, including education, disability policy, and foreign affairs. While in the House, he worked closely with former Speaker Newt Gingrich in establishing the Office of House Historian.

In 1984, Simon was elected to the U.S. Senate. During his years as a public official, Paul Simon was known for exceptional constituent service. He also was the Senate's pacesetter in convening town meetings. As a Senator, Simon held more than 600 town meetings throughout the state. He was also known for sporting fashionable bow ties, which became his trademark.

Prior to leaving the U.S. Senate, Simon ranked as Illinois' senior Senator. In November 1994, Paul Simon announced that he would retire from the Senate when his term expired January 3, 1997, ending 12 years of exceptional service to the people of Illinois and to the people of the United States.

Simon holds over 55 honorary degrees and has written 22 books. Paul Simon married Jeanne Hurley of Wilmette, Illinois, in 1960, whom he met while both served in the Illinois House. They had two children, Sheila and Martin, three granddaughters and one grandson. After his first wife passed away, Senator Simon married Patricia Derge in May 2001.

Please join me in honoring the life and service of this fine man and dedicated public servant by supporting House Resolution 489.

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

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

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

Mr. LARSON of Connecticut. Mr. Speaker, it is fitting that we note today the passing of a distinguished former Member of this House, Paul Simon of Illinois. I thank the gentleman from California (Mr. DOOLITTLE) for offering this motion, and I also thank the gentleman from Illinois (Mr. COSTELLO) for introducing this resolution.

I regret that I did not have the privilege of serving with Paul Simon. He retired from the Senate 2 years before I came to the House. I may not have served with Paul Simon; but like millions of Americans, I certainly knew of him and admired him greatly.

Paul Simon's reputation extended far beyond the geographic borders of the Land of Lincoln. Through a distinguished career that began at age 19 as a newspaper editor and publisher and led him to seats in both houses of the Illinois general assembly, lieutenant governorship, and on to both Houses of the United States Congress, Paul Simon enjoyed a reputation of honesty, integrity, and diligence. Known for his trademark bowties, Simon championed reform and the cause of the less fortunate than himself.

Mr. Speaker, Paul Simon, the statesman, was a great American who made a difference during his long career in public life.

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

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

On December 9, 2003, the citizens of Illinois lost one of the true giants in the storied history of politics in our State. Paul Simon was a leader who transcended political or ideological labels.

To be sure, he was a staunch liberal who fought for better housing, fair wages, a cleaner environment, and civil justice. At the same time, he also leaned conservative when it came to fiscal matters.

But it was the way he carried out the job that made Paul a revered figure in a State that is accustomed to larger-than-life figures. Paul Simon represented an approach to politics that is becoming more and more rare in today's world, an approach in which he not only respected the people he represented but he respected the people who were his peers and the institutions in which he served, including this House and the other body.

When I was first elected to the House in 1994, Paul was the senior Senator from Illinois, and he took time to reach out to me so we could become better acquainted and work on issues of mutual concern.

As a leading Member of the Senate, I am sure that he had many better things to do than getting to know a first-term Member of the House, but that was the way Paul did business. He knew that good relationships were important in politics and legislating, and I am a better Member of the House for Paul Simon's efforts to get to know me.

When Paul retired from the Senate following the 1996 election, he certainly could have landed some lucrative lobbying contracts, but he chose instead to continue influencing public policy through a different arena, one that could have a lasting impression on generations of future public servants, that is, teaching. From his perch as director of Public Policy Institute at Southern Illinois University, he continued to stay in the public eye, and he was able to carry on his advocacy for many of the issues he held so dear. He wrote prolifically on many issues during his time at SIU. He continued to travel the world to talk about the issues in which he so passionately believed. I would imagine he was as busy in his role with the institute as he was during his time in the Senate.

And to this day I am sure Paul Simon's approval numbers in Illinois are higher than any politician in our State.

Paul is someone who should be used as a benchmark, not only for future generations of leaders but for today's politicians as well. Paul Simon taught us that one can really get ahead through civility, common courtesy, and a respect for those with opposing viewpoints. That is a far cry from what many of our citizens believe today about their elected representatives. All of us could do this job a little better if we follow in the footsteps and examples of Paul Simon.

I might say that when I first got to the House, Paul recommended that I get involved in a program called Everybody Wins, which is a reading program

where some of us branch out around the Capital and read as mentors to students; and if it were not for Paul's initiative for me to get involved in that program, which I have been involved with, and it is a great program here in Washington, D.C., I would not have been involved. But that is the way Paul Simon was. He was an example of not only a mentor for children but to all of us who have come to know and love him. And he will be missed in Illinois and certainly missed at Southern Illinois University. And I thank the committee for recognizing him and adopting the Senate resolution.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. COSTELLO), the sponsor of this resolution.

Mr. COSTELLO. Mr. Speaker, I would like to thank my friend, the ranking member, for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 489 to honor my good friend Senator Paul Simon, who sadly passed away on December 9, 2003.

Senator Simon was a good friend and a dedicated public servant. Paul worked as a newspaper publisher, public servant, author, and teacher. He was elected to the Illinois general assembly in 1954 and the Illinois senate in 1962 and was elected lieutenant governor of Illinois in 1968.

While a member of the Illinois legislature, Paul won the Independent Voters of Illinois' ''Best Legislator Award'' every session of the legislature.

Senator Simon served in this body for 10 years, beginning in 1974 when he was elected to the U.S. House of Representatives, then the United States Senate for 8 years and ran for President of the United States in 1988. Throughout his public service, Paul was known for his honesty and his integrity. That was his hallmark.

As a Member of the U.S. House and the U.S. Senate, he balanced fiscal conservatism with social liberalism. Paul was a champion of a balanced budget amendment and worked to overhaul the Federal student loan program so that students and their families could borrow money directly from the U.S. Government. Paul also led efforts to curb television violence, leading the industry to monitor the amount of violence on their TV screens. In addition, Paul was instrumental in the establishment of the National Center for Missing and Exploited Children.

Paul Simon was always concerned about the cultural isolation of U.S. college students and young Americans in general. One of his first books was ''The Tongue-Tied American'' on the need for American students to learn a second language. Paul sponsored several programs to increase international education and understanding in American schools, and he was working to create a foreign exchange program to allow more American students to study abroad.

As impressive as his legislative record was during his tenure in Congress, he never forgot his constituents and was known for exceptional constituent service. During his service in the U.S. Senate, Paul held over 600 town meetings throughout the State of Illinois to hear the issues that were important to the citizens of Illinois.

Paul's career began at age 19, when he became the youngest editor-publisher of the Troy Tribune in Troy, Illinois, in Madison County, Illinois. By 1966 he had built a chain of 13 newspapers in southern and central Illinois, which he sold in order to concentrate more time on public service and writing.

Upon his retirement from the U.S. Senate, Paul formed the Public Policy Institute at Southern Illinois University in Carbondale to share his wisdom and advocacy with the next generation of students. In addition to chairing the Public Policy Institute, he also taught classes in political science, history, and journalism at SIU.

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Senator Simon is survived by his two children, and Martin, his four grandchildren, Reilly Marie, Corey Jeanne, Brennan and Nicholas, and his second wife, Patti and her two children, Jennie and Bill. Jennie currently works right here on the Hill for our good friend and colleague, the gentleman from Georgia (Mr. NORWOOD).

Mr. Speaker, at Senator Simon's funeral, Senator TED KENNEDY said, ''In another era, he would have been a founding father. He was that good. He will never be forgotten.''

Senator Simon was a great man that served our country with honor and distinction. It is fitting that we honor him with this resolution today.

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, not very much will get me motivated enough to wear a bow tie in this world, but now I have done it two days in a row, and it is a Paul Simon tie. When he ran for President, at the funeral, at the wake, the lapel pins had the trademark bow tie. This is a Paul Simon bow tie that I have been allowed to use by the Tomasewski family of Washington County, and I thank them for that. It only took me about 4 hours to tie it, but, once I got it down, I kind of slept with it last night and did not change shirts.

Paul was a great man. A lot has been said and gone over with regard to his history, and I will highlight a few other points. But I am going to talk about the man of faith, the man of religion.

I am of the Lutheran faith. Paul comes from a strong family of Lutheran Church, Missouri Synod. His father was a missionary in China. That moral background and upbringing I think helped serve him well in the crusades that he fought in the future.

A lot of the pillars of my congregation in Holy Cross Lutheran Church in Collinsville remember Senator Simon fondly as a member of what was then called the Walther League, which was the youth group. They would meet throughout parts of Southern Illinois. And that friendship transcended partisan idealogy, as a lot of my colleagues have said today, because when Senator Simon walked into any room, whether you agreed or disagreed, you never questioned the integrity, the thought, the desire, the real passion that he brought to any issue. I think we would do well in memory of him to emulate that, to remember that, and to bring that back into the civil discourse that sometimes we do not have here on the floor of the House.

He was also a great crusader. Again, my colleague the gentleman from Illinois (Mr. COSTELLO) mentioned at 19 his getting a newspaper in Troy, Illinois, just down the road from both of us, and using that paper to reform government, to fight corruption. Madison County and St. Claire County was a bastion of illegal activities, of crime and gambling, and at a very young age he really put his life at risk by writing and exposing those that would break the law. That courage, developed at a young age, just led on to a very, very successful career.

When he went to into the legislature, he pushed for and his best known legislation was the State's first act to require open meetings by local governments under most circumstances, the Open Meetings Act, Paul Simon's signature issue, which helped bring the public closer to the real discussions of what elected officials are doing. Now, sometimes we may not like that, but for the discourse and knowing what is really going on, requiring notification, requiring people to have access to these meetings, it is real reform.

Upon his retirement, everyone knows he is a noted author, has written tremendously various issues, he did not retire. He went down to Southern Illinois University in Carbondale around his home in Makanda, and continued to work and in transforming the public policy debate around the world.

I was privileged to call him a fellow member of faith, a friend. I was able to travel with him on airplane rides. He remembered my mother when she had some health issues just around the time when he had health issues. They exchanged greetings and notes. He was just that type of guy that made us all proud.

We will miss Senator Simon, and hopefully the members of the Illinois delegation and the members of both Chambers of Congress will remember his years of service and really dedicate ourselves to some of the higher ideas that Senator Simon really called us all to be. I thank him for his service and I thank him for his friendship.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), the most distinct voice in the House of Representatives and one of the most distinguished Members.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Connecticut for yielding me time.

Paul Simon was absolutely the head of that part of the Democrats in Illinois that I have been associated with for so long. As a matter of fact, he was like the Seal of Good Housekeeping. That is, if you could get Paul Simon to say something good about you or endorse you, then it was the highest honor. You could not get any better than that.

I have always remembered when I ran for the House, Senator Simon said to me, ''I don't endorse in primaries generally. This year I am going to make two exceptions. I am going to endorse DICK DURBIN for my seat, who has been my protegee and worked with me. I am going to endorse you for the seat that you are running for.'' I have always counted that as one of the high moments of my political career.

Someone mentioned all of the town hall meetings that Senator Simon would hold. I can remember attending many of those. In many instances, there might be only 15 or 20 people there, sometimes 10, and I would be amazed that this United States Senator would be at a small town hall meeting with 10 or 12 people, in an African American community, a little church, a library, and he would stay there two, sometimes three hours, just talking to the two or three people, trying to educate, trying to stimulate, trying to motivate.

I can remember all the small receptions that he and his wife Jennie and the rest of us used to attend, always sort of swimming upstream. The last communication that I had from Senator Simon was just before he died. I got a letter from him in the mail and an article from the Chicago Tribune saying congratulations, I commend you all for the work you are doing on behalf of ex-prisoners, people who are coming home from jail. That was Paul Simon, always seeking to assist the underdog, those that society would sometimes look at the other way at; Africa, food, nutrition, hunger.

At his funeral, as it was coming to a close, I remembered the words of a song that we sometimes sing when a person has done what they can do, that says, ''If when you give the best of your service, telling the world that the Savior has come, be not dismayed when men don't believe you, he'll understand and say well done.''

Senator Simon, well done.

Mr. DOOLITTLE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

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

Mr. Speaker, it is a pleasure to get up and speak in honor of Paul Simon. I first knew his brother, Art, through Bread for the World. I had been active in world hunger activities and in fact was a coauthor of a book regarding world hunger. When I read Bread for the World at that time I was very impressed with it. I knew that Senator Simon was Art's brother, so I was very pleased when I first had the opportunity to meet Senator Simon and have a discussion with him.

He was an honorable person, and, even though I never had close contact with him on a continuing basis, I was very impressed with his forthrightness, his thoughtfulness, his ability and his honesty. He set a high standard for all of us to follow.

I also appreciated the help of his wife, who was very interested in the Library of Congress. I was on the Committee on House Administration and served on the Joint House-Senate Committee on the Library of Congress, and she was a great help to me at various times in trying to achieve my objectives. They were a wonderful couple.

My last contact with Senator Simon was just 2 months ago, when I received a very kind, handwritten note from him. He had heard one of my speeches on the floor and sent me a quick note saying, in effect, ''That is the kind of voice we need to hear more in the Congress.'' I thought that was an overwhelming act of kindness on his part, to take time at this point in life, with the difficulties he faced, to write to a relatively unknown Congressman from a neighboring State and express his appreciation.

This indicated what a wonderful person he was, the kindness and the thoughtfulness he had. I am just delighted to join in this accolade for him. He was a great man. We could use many more like that in the Congress.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri, the ''Show Me State'' (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the ranking member from Connecticut for yielding me time.

Mr. Speaker, I rise in support of this resolution honoring the late Senator Paul Simon. It was my privilege to have known Senator Simon for most of my life. I have fond memories of watching Congressman Simon on the House floor many years ago when I was a student and a doorkeeper, and he has long been a source of personal inspiration.

When I first came to know Congressman Simon, he represented Southern Illinois and served with my father on the House Committee on Education and Labor. He was among the most active and effective Members in the history of this institution, and I was not surprised when I recently learned that in 1983, Time Magazine cited Congressman Simon for passing more amendments than any other Member of the U.S. House of Representatives.

Paul Simon served in the Illinois House of Representatives, the Illinois Senate, the U.S. House of Representatives and the U.S. Senate. Throughout his career, Paul Simon was famous for championing the causes of working people, children, the disabled and veterans. When he served in the Illinois legislature, he helped to create the State's community college system and the Illinois Arts Council. He also won the Independent Voters of Illinois Best Legislator Award every session in which he served.

While serving in the U.S. Congress, Paul Simon sponsored the Missing Children Act and the legislation establishing the National Center for Missing and Exploited Children. He also wrote the National Literacy Act, the School to Work Opportunities Act and the Job Training Partnership Act amendments. He was a leader in the reauthorization of the Elementary and Secondary Education Act and the establishment of the direct college loan program.

Deeply dedicated to the community that sent him to represent their interests in Washington, Senator Simon held more town hall meetings than any other Illinois senator and his office was legendary for its constituent services.

While in Congress, Paul Simon worked to enact legislation designating the first five federally chartered future high-speed rail corridors, which included the St. Louis-Chicago-Detroit/Milwaukee corridor, and to designate the Illinois-Michigan Canal National Heritage Corridor. He was also instrumental in expanding the Jefferson National Expansion Memorial, which is St. Louis's Gateway Arch National Park, to the State of Illinois.

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He possessed a rare knowledge and understanding of the legislative process and manifested an extraordinary energy for public policy-making.

Senator Simon left us all way too soon. He lived a life dedicated to serving others, and he certainly left this world a better place for his time on Earth.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL), former advisor to President Clinton.

Mr. EMANUEL. Mr. Speaker, I rise in strong support of this resolution honoring the memory and lasting contributions of Paul Simon.

I was honored to work on his election to the Senate, where he made all of the people of Illinois and America proud. When we look across Illinois today, we see that we have an Attorney General who worked for Paul Simon and started a career in politics working for Paul Simon, a Member of Congress, a State Senator, a county commissioner. Although he is very famous for those who say that John Kennedy touched a set of idealisms for people to go into public service, for a number of us in Illinois, regardless of our party, Paul Simon

touched that chord of idealism; and we knew then that reaching for our ideals was possible by seeking a life in public service.

Despite winning five elections and winning elections in five different decades serving his State, his area, and his country in many different capacities, his character, integrity, and intelligence are what endure; and it is why Paul Simon today remains one of the most popular figures in the State of Illinois.

Long before they were fashionable, Paul Simon championed civil rights, education, and campaign finance reform. He saw in those areas his ideals being realized. In everything he did, he was guided by a deep, deep desire to help those who needed a voice. And for a number of us in Illinois, we can still hear his voice with ''how are you today'' and that deep sense that you were Paul Simon's person that he was talking to. And he always had a sense that he was not up here to be a vote, but to be a voice for our values, regardless of what party we came from. He taught many of us, and some of us, in fact, have come to this lesson hard in life, that you can disagree without being disagreeable.

After his retirement from Congress, he did not leave public service. He spent the remaining days of his life pursuing what he cared most about, which was education. As this resolution states, he remained an unapologetic champion of the less fortunate and a constant example of caring and honesty in public service.

Mr. Speaker, I thank my colleagues for the opportunity to recognize a true hero for many of us in Illinois. We will always remember Paul Simon and honor his enduring contributions to the State of Illinois and to this country. His memory will be a blessing to those who follow in his path.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), my neighbor and good friend.

Ms. SCHAKOWSKY. Mr. Speaker, it gives me such great honor and pleasure to join in support of this resolution in memory and to celebrate the life of former Senator Paul Simon who was my friend and my mentor and my Senator and my role model.

Paul Simon was unique. He was the real thing, though. When we look at him with his bow tie and his suit, he was an authentic person. And those who might make the mistake of kind of relegating Paul Simon to the kind of politician of the past, that would be wrong. Paul Simon, although he had that kind of almost old-fashioned gentlemanly way about him, was someone who we can learn a lot from today. He had incredible courage. The thing that Paul Simon really understood was that it is not only important for your own personal integrity to stand up for your beliefs, but that it was also really good politics.

Paul Simon his whole life was an opponent of the death penalty, not always a popular issue in the State of Illinois; and it is an issue that inspired a lot of hot feelings about that. And yet people who would disagree with him on that or, like me, who disagreed with him on the Balanced Budget Amendment pretty strongly, nonetheless often would come up to Senator Paul Simon and say, you know, Senator, I do not agree with you on this or that, or even, I do not agree with you on most things, but I trust you. I am going to vote for you. I admire the way that you stand up for the State of Illinois and for the things that you believe in. It would be wonderful if more of us would do that.

I went to Iowa. We just finished the Iowa primaries. I went to Iowa for a month for Paul Simon in 1988 and, by the end, of course, everybody could say the speech with him. I could just hear that voice saying, the United States is a great country, but we can be an even better country. And he believed that so much. His desire, as he stated it: I wanted to do something where I could continue to contribute. I did not get into office just because I wanted a title; I wanted to get something meaningful done, and he did. He continued to do that. That is so true. He did not just want to be something; he wanted to do something.

So when he retired from being in the Senate, he continued in his role at Southern Illinois University and all the while prodding all of us. We heard mention of those personal notes. He wrote a book called ''Tapped Out,'' dealing with the water crisis around the world; and he really wanted me to get involved in that. He would write me letters. Then he sent me the book. He said, now look, your name is in the forward of the book. It said, to someone who is going to be working on this issue. I knew what he was saying to me: you better work on this issue; you are in my book.

Paul, I am going to be working on that issue and so many more where you forged the path.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise today to express my strong support for this resolution and thank my good friend and colleague, the gentleman from Illinois, for introducing it.

My friend Senator Paul Simon was a statesman, a respected leader, and an unwavering champion of the little guy; and he possessed a heart, a smile, and a baritone voice that could fill a room. He was truly one of a kind, a principled human being, a principled politician, a real reformer, and an unapologetic idealist whose words were followed by genuine and unrelenting action.

From his time as a young journalist rooting out corruption in Illinois, to the 14 years he served in the general assembly in Springfield, to his distinguished tenure in Congress, Paul never wavered in his fight for fairness and justice. He never backed down. No matter the odds, no matter the political ramifications, no matter how unpopular or lonely his positions, he remained fervent and passionate.

Paul was a role model for many of us in the Illinois delegation today and for many who continue to seek public office. I know he is a role model for me.

During his tenure in the Senate, Paul fought ardently and selflessly on the issues that made a real difference in ordinary people's lives. He always saw the good in people and used that good for the benefit and the betterment of our country. He stood up with us in the fight for immigration reform and on so many other issues important to my constituents and to this country.

But my friend's legacy transcends politics. Paul was a beacon of hope for anyone who wished to dream the American Dream. He embodied the type of heart needed to sustain the uphill battles required to make real change, and he was the consummate underdog and dedicated his life to public service. He was always for the underdog and giving a voice to the concerns of the voiceless. Paul simply would have no part in pandering to the special interests. To him, public service was about one thing, people, and he maintained that steadfast commitment to them.

We lost an irreplaceable friend, a teacher, and a mentor. He touched countless lives in countless ways, and we will never forget him.

But just remembering Senator Simon is not enough; just honoring him is not enough. He would have wanted us to do more. He would have wanted us to stand together, to fight together; and I think that is what this resolution is really all about. It is about recognizing and building on Senator Simon's accomplishments, his ideas, his life and, indeed, his legacy. We should not let this enormous loss be the end of his work. We all have a responsibility now in this Chamber and across this country. We must embody Paul's heart and his spirit. We must embrace his honesty and his integrity.

Mr. Speaker, this Congress and this country face many challenges in the coming months and years. I think we would be well served to pause and ask, what would our friend, Senator Simon, do? I am confident that by asking that simple question, we will set ourselves on the right course.

Mr. LARSON of Connecticut. Mr. Speaker, I yield the balance of the time to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I am not from Illinois, but I have to tell my colleagues that Senator Simon was a man of all seasons, was a mentor and a teacher. And most importantly, when he talked, people listened. I remember when the Defense Language Institute, which is our premier language school in the world, and he was very dedicated to having Americans learn languages,

and it was threatened for closure, he called President Clinton and said, do not take that off the list. Clinton said, why are you interested in a base that is in California? And Senator Simon said, because it is an intellectual capital for languages and we need to keep it that way.

A very impressive man. The country will greatly miss him. He was the epitome of politics, the greatness of politics in America.

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

On behalf of the Committee on House Administration committee chairman, the gentleman from Ohio (Mr. NEY), and myself, I would like to thank the ranking member, the gentleman from Connecticut (Mr. LARSON), and the author of the resolution, the gentleman from Illinois (Mr. COSTELLO), and the committee staff. Please join me in honoring the life and service of this fine man and dedicated public servant, Paul Simon, by supporting House Resolution 489.

Mr. WOLF. Mr. Speaker, I rise today in strong support of the resolution introduced today to honor the life and legacy of Paul Simon. I learned with great sadness of his death in December.

Senator Simon epitomized all that is best about Congress. He served in the House of Representatives and the Senate, and was a distinguished member in both chambers. His presence was a constant example of the importance of hard work, discipline, and compassion. Senator Simon believed that government could serve the people, and serve them in a positive way. He served his State and his Nation beginning in 1954, when he entered the Illinois State legislature. His service would continue until his death as a professor in Illinois, where he shared a lifetime of wisdom with the leaders of the future.

Senator Simon's season of service would take him to the House of Representatives, the United States Senate, and the campaign trail as a candidate for the presidency. His work included fighting against television violence, working for those without jobs, and trying to balance the budget. I was pleased to join with him in raising the issue of gambling's ill effects on families, individuals, and communities. He was concerned about the welfare not only of Illinois, but of the entire Nation.

Senator Simon's talents were not limited to Congress. In his lifetime, he wrote over 20 books and was awarded over 50 honorary degrees. He was cerebral as well as practical. Senator Simon lived a life of the mind as well as a life dedicated to enlightening and lifting up his fellow citizens. After he left the Senate, Paul Simon returned home, and taught at Southern Illinois University, to impart his wisdom to the next generation, to enlighten young minds, and to continue serving his state.

His life was one of constant service in the public interest. Senator Simon lived many lives in one—editor-publisher, legislator, public crusader, professor. That he did so much is impressive. That he did it all so well and so selflessly is inspirational. Congress and the Nation is a lesser place for his passing, but both were greatly enriched by his life and his example. Senator Simon will be missed, but through the lives he touched, the life he lived, and the lives he inspired, he will not be forgotten.

Our sympathies go to his family and our thanks to them as well for sharing this remarkable man with us.

Mr. TOWNS. Mr. Speaker, I rise today to join my colleagues in honoring the late Senator Paul Simon. Certainly, many of us recall his involvement, his active support for U.S. bilateral assistance to Africa and his work in the fight against apartheid in South Africa. Today, however, I want to pay special tribute to the Senator's long time advocacy for historically Black colleges and universities, HBCUs. As the chair for the Postsecondary Education Subcommittees in both the House and the Senate, he lent his unwavering support for these institutions during reauthorizations of the Higher Education Act of 1965 as well as adding a pivotal endorsement of the creation of an endowment fund for HBCUs. While Paul Simon is a colleague who will always be remembered as a supporter of the disadvantaged, he will also be remembered for his belief that the disadvantaged could be successful with the right kind of assistance from government programs. Senator Simon will be sorely missed but we are all better from having known and worked with him.

Mr. RUSH. Mr. Speaker, I rise in strong support of this resolution to commemorate my distinguished colleague, Senator Paul Simon. It is with great sentiment that I rise to honor Paul Simon for his life's accomplishments.

In the book of Isaiah, the prophet writes, "How beautiful upon the mountains are the feet of him who brings good news, who proclaims peace, who brings glad tiding of good things, who proclaims salvation, and who says to Zion, your God reigns." Through my personal experiences in working with Senator Simon, he was I believe, the epitome of those prophetic words from Isaiah. Paul, a son of a missionary, was a man who was known for his calm and comforting demeanor, a man that demonstrated a true testament of peace, and a man who believed in breaking barriers and shattering prejudices. I am not telling you what I think, but I am telling you what I know. I had the privilege to know him professionally and personally. Paul Simon was a Senator who earned the tremendous respect from all people who knew him. In my congressional district, he was revered by all. His calm temperament, his respect for mankind, and his unwavering commitment to fairness and equality was deeply admired in my community. He was vigilant in his fight for the struggle to protect and preserve civil liberties and human rights for all people.

Paul Simon was an icon for many political leaders such as myself and a "giant" in the history of the American democracy. During his tenure in Congress, Simon was a champion of education and a key advocate for literacy and lifelong learning. In the Senate, he was the author of the National Literacy Act, the School-to-Work Opportunities Act, the Job Training Partnership Act amendments, the 1994 re-authorization of the Elementary and Secondary Education Act and the direct student loan program. Senator Simon held numerous influential committee assignments, including serving as the Chairman of the Senate's Subcommittee on Africa.

Without question, Mr. Speaker, Paul Simon was one of the most effective Senators to have served the citizens of Illinois, and the American people.

Although Senator Simon has been called to answer his new "heavenly" assignment, he leaves with us his legacy and principles of nobility that will never be forgotten.

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

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the resolution, H. Res. 489.

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. 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.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this resolution.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(c) of rule XX, the Chair announces to the House that in light of the resignation of the gentleman from South Dakota (Mr. JANKLOW), the whole number of the House is adjusted to 433.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 20, 2004 at 5:55 p.m.

That the Senate passed without amendment H. Con. Res. 349.

That the Senate passed S. Res. 284.

Appointments:

Board of Visitors of the United States Military Academy;

Board of Visitors of the United States Naval Academy;

Board of Visitors of the United States Air Force Academy;

United States-China Economic Security Review Commission.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

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:

H. Res. 492, by the yeas and nays;
H. Res. 491, by the yeas and nays;
H. Res. 490, by the yeas and nays, and
H. Res. 489, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

□ 1215

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

The SPEAKER pro tempore (Mr. KLINE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 492.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 492, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 33, as follows:

[Roll No. 2]

YEAS—398

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Hinchey

NOT VOTING—33

Abercrombie
Berman
Burr
Burton (IN)
Carson (IN)
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Dunn
Edwards
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Hayworth
Hoyer
Istook
Kucinich
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Serrano
Sherman
Tauzin
Watson
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1239

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINCHEY. Mr. Speaker, just to correct the record with regard to the first vote of the day, House Resolution 492, I noticed that I am recorded as having voted in the negative. That is in error. I am in favor of the resolution, and I wish the record to reflect that I intended to vote in the affirmative.

HONORING MENTORS AND SUPPORTING EFFORTS TO RECRUIT MENTORS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 491.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the resolution, H. Res. 491, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 35, as follows:

[Roll No. 3]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay

Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Abercrombie
Berman
Burr
Burton (IN)
Calvert
Carson (IN)
Cunningham
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Dunn
Edwards
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Hayworth
Hoyer
Istook
Kucinich
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Serrano
Sherman
Tauzin
Watson
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1249

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CALVERT. Mr. Speaker, on rollcall No. 3 I was unavoidably detained. Had I been present, I would have voted "yes."

RECOGNIZING AND COMMENDING ACHIEVEMENTS OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JET PROPULSION LABORATORY, AND CORNELL UNIVERSITY IN CONDUCTING THE MARS EXPLORATION ROVER MISSION

The SPEAKER pro tempore (Mr. KLINE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 490.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and agree to the resolution, H. Res. 490, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 4]

YEAS—389

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton

Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Akin
Berman
Burr
Burton (IN)
Carson (IN)
Cunningham
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Duncan
Dunn
Edwards
Eshoo
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Goode
Graves
Gutierrez
Hayworth
Herger
Hoyer
Istook
Kucinich
Lucas (KY)
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Reynolds
Serrano
Sherman
Tauzin
Watson
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1256

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AGREEING WITH THE SENTIMENT OF THE SENATE REGARDING THE DEATH OF THE HONORABLE PAUL SIMON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 489.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the resolution, H. Res. 489, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 39, as follows:

[Roll No. 5]

YEAS—394

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Abercrombie
Berman
Burr
Burton (IN)
Carson (IN)
Cunningham
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Dunn
Edwards
Eshoo
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Harris
Hayworth
Houghton
Hoyer
Istook
Jefferson
Kucinich
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Serrano
Sherman
Tauzin
Walden (OR)
Watson
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1308

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MARSHALL. Mr. Speaker, on rollcall Nos. 2, 3, 4, and 5, I would have voted ''yes'' on each (H.R. 492, H.R. 491, H.R. 490, H.R. 489) but I was unavoidably detained in a meeting concerning our effort in Iraq and Afghanistan.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to a scheduling conflict, I was unable to be in Washington, DC, during rollcall votes 2 through 5. Had I been here I would have voted ''yea''; for rollcall vote 2, ''yea'' for rollcall vote 3, ''yea'' for rollcall vote 4, and ''yea'' for rollcall vote 5.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, being detained in my district today on official business, had I been present and voting, I would have voted as follows:

Rollcall 2, H. Res. 492, Honoring the contributions of Catholic education, ''yes''; rollcall 3, H. Res. 491, Regarding the benefits of mentoring, ''yes''; rollcall 4, H. Res. 490, Recognizing the achievements of NASA's Jet Propulsion Laboratory and the Mars Exploration Rover Mission, ''yes''; and rollcall 5, H. Res. 489, Honoring the late Senator Paul Simon, ''yes.''

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, I was regrettably absent from the Chamber today during rollcall votes 2, 3, 4, and 5. Had I been present, I would have voted ''yea'' on rollcall 2, ''yea'' on rollcall 3, ''yea'' on rollcall 4, and ''yea'' on rollcall 5.

PERSONAL EXPLANATION

Ms. WATSON. Mr. Speaker, on Wednesday, January 21, I was unavoidably detained in my congressional district and was unable to be present for recorded votes. Had I been present, I would voted in the following manner:

On H. Res. 492, Honoring the contributions of Catholic schools, I would have voted ''yea''; on H. Res. 491, Honoring Individuals Who are Mentors and Supporting Efforts to Recruit More Mentors, I would have voted ''yea''; on H. Res. 490, Recognizing and Commending the Achievements of the National Aeronautics and Space Administration, I would have voted ''yea''; and on H. Res. 489, Stating the Agreement of the House of Representatives with the Sentiment Expressed by the Senate in Senate Resolution 281, I would have voted ''yea.''

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, on Tuesday, January 20, I was unable to be present for rollcall vote No. 1, the House Quorum Call. Had I been present, I would have voted ''present'' for rollcall vote No. 1.

Mr. Speaker, on Wednesday, January 21, I was unable to be present for rollcall vote No. 2, Honoring Catholic schools, rollcall vote No. 3, Benefits of mentoring, rollcall vote No. 4, Recognizing NASA's Jet Propulsion Lab and Mars Rover Mission, and rollcall vote No. 5, Expressing sorrow and respect for former Senator Paul Simon. Had I been present, I would have voted ''yea'' for rollcall votes No. 2–5.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES, SELECT COMMITTEE ON HOMELAND SECURITY AND COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. CULBERSON) laid before the House the following resignation as a member of the Committee on Financial Services, the Select Committee on Homeland Security, and the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Effective January 20, 2004, I hereby resign from the Committee on Financial Services, the Select Committee on Homeland Security, and the Committee on Small Business due to my pending appointment to the Committee on Energy and Commerce.

Sincerely,

CHARLES A. GONZALEZ,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 495) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 495

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE: Mr. Gonzalez.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING CONGRATULATIONS TO NEW RANKING MINORITY MEMBER ON COMMITTEE ON SCIENCE

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

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate, on behalf of all the members of the Democratic Caucus, our colleague, the gentleman from Tennessee (Mr. GORDON), whom the Democratic Caucus elected as the new ranking member on the Committee on Science. He is a proven leader on the Committee on Science and within this body, and I know that he will serve our Nation well in his new capacity.

LEGISLATIVE PROGRAM

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

Mr. LEWIS of Georgia. Mr. Speaker, I wish to address the House for the purpose of inquiring of the majority leader the schedule for next week.

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

Mr. LEWIS of Georgia. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules, and a final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday, the House will convene at 10 a.m. for legislative business. We plan to consider S. 1920, which extends Chapter 12 of the Federal Bankruptcy Code until July 1, 2004. In addition, we hope to consider S. 610, which would provide some important management reforms at NASA.

Finally, it is my understanding that our colleagues in the Senate are likely to pass the omnibus appropriations bill, possibly as early as tomorrow. However, I would like to make all Members aware that if the Senate does not act, we may be forced to move a long-term continuing resolution next week, as the present continuing resolution we are operating on expires at the end of next week.

I thank the gentleman for yielding and would be happy to answer any questions he may have.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, I thank the leader for that information.

Mr. Majority Leader, when the Congress adjourned for the year last year, it failed to extend the Emergency Unemployment Compensation Program, leaving 90,000 American workers and their families every week, roughly one-half million workers by the end of this month, in the lurch. We have 200 Democrats who have signed a discharge petition that would bring to the floor legislation to extend this much-needed help to those workers.

Can the majority leader tell the House, tell all of us when he will schedule debate on this important matter?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield.

Mr. LEWIS of Georgia. I continue to yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me.

As the gentleman knows, he was here last night, the President mentioned last night that the third-quarter economic growth in 2003 was the strongest in 20 years and that housing starts and home ownership rates are up and at an all-time high; that financial markets are growing, after a long contraction; that interest rates are low; that factory orders are up; that unemployment is on the decline. Unemployment benefit claims have decreased actually every month since September, and the unemployment rate today is 5.7 percent, which is almost a full percentage point lower than the rate that we had in 1994 when a Democrat Congress and a Democrat President discontinued an expanded unemployment compensation program.

So with a growing economy and a recent precedent for managing these scenarios, it is clear to the majority that the best employment program is to keep growing jobs and paychecks instead of extending and expanding Federal programs.

Mr. LEWIS of Georgia. Mr. Speaker, is the majority leader telling us there is not a need to bring this legislation to the floor of the House for a vote when more than 200 Democratic Members have signed a discharge petition?

Mr. DELAY. The last time I checked, Mr. Speaker, 218 is a majority.

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

Mr. LEWIS of Georgia. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate the distinguished leader's response in regards to this issue.

Let me just point out, if I might, that we now have 300,000 fewer people that are seeking employment because they have given up, and that brings down the unemployment rate when in reality it is higher than it has ever been. And the last time we did not extend the unemployment, the last recession, we did that when there was a significant growth in employment. We have had 1,000 new jobs created in the last month. We have a net loss of over 2.4 million jobs in the last 3 years.

I would just urge the distinguished leader to talk to members of both caucuses. This is an important issue. There are a lot of people who are being lost in this economy that need this help. And I would just urge the leader to consider scheduling debate on the floor on the extension of the Federal unemployment accounts. We have bills sponsored by both Democrats and Republicans on this issue. It is an important subject. And I thank my friend from Georgia for yielding to me.

ADJOURNMENT TO FRIDAY, JANUARY 23, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, January 23, 2004.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, JANUARY 23, 2004 TO TUESDAY, JANUARY 27, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, January 23, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, January 27, 2004, for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF HONORABLE MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 27, 2004

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

WASHINGTON, DC,
January 21, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 27, 2004.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

□ 1315

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REGARDING THE NEW MEDICARE LAW

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, in last year's State of the Union address, President Bush called Medicare ''the binding commitment of a caring society.'' Last night in his State of the Union address, the President said the Medicare prescription drug bill that was enacted last year ''kept a basic commitment to our seniors.''

The new Medicare law kept a basic commitment all right, but as the tens of thousands of seniors who have quit AARP would likely agree, the commitment was not to America's seniors. The new Medicare law means an additional $139 billion in profit to the drug industry over the next 8 years. The President did fulfill his commitment, a commitment he had to the drug industry. The new Medicare bill the President signed means an additional $14 billion in subsidies to the insurance industry over the next 10 years, again a commitment the President fulfilled to his insurance company backers and contributors. But the President's commitment meant virtually nothing to seniors, many of whom will not have access to any benefit until 2006 and after that will have access to only a very inadequate drug benefit. The new benefit will cover less than half of a senior's drug costs. The average senior would do better traveling to Canada to purchase her prescription drugs. Of course the Bush administration has been busy pressuring Canadian pharmacies to stop selling medicine to American consumers.

Again, the President's commitment to the drug companies won out. The reason drug prices are lower in Canada is because the Canadian government negotiates price with the drug industry. But the new Medicare law expressly forbids the U.S. Government from negotiating with the drug industry to bring drug prices down. Get that. This new drug bill prohibits the government from using its buying power, representing 40 million Medicare beneficiaries, this new law prohibits the government from negotiating with the drug industry to bring prices down. That is why the drug industry's profits are set to explode under the President's new Medicare privatization bill. Again, it is a commitment not to America's seniors but a commitment President Bush made to his drug company contributors. If seniors had asked the President and the Congress to shortchange them on drug coverage while giving the drug industry a free ride, it would be accurate to say that yes, he really has fulfilled his commitment to them, but that is clearly not what seniors asked us to do.

Medicare HMOs enjoyed a 118 percent increase in profits last year. Yet we are about to hand them an additional $14.3 billion. According to the General Accounting Office, we already overpay HMOs by 20 percent. This new law will ensure we shower them with more money, we waste even more taxpayer dollars subsidizing the insurance industry, again a commitment to the insurance industry and the President's financial contributors in the insurance industry and HMOs, a commitment he made to them when they were so supportive in his campaign.

Mr. Speaker, in the end, we have a President who always consistently makes a choice. If it is a choice between corporate interests and the public interest, this President chooses corporate interests every single time.

AL QAEDA DEALS HEROIN TO FUND TERRORISM OPERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, I just returned from Pakistan's frontier where Osama bin Laden is likely hiding. We describe bin Laden as a terrorist. While that label applies, I think we can be more accurate. He has become a narcoterrorist.

During my mission, I learned that bin Laden's source of donated funds has been reduced. In response, bin Laden has become one of Pakistan's top heroin dealers. Kandahar trafficker Haji Bashir Noorzai provides 1,000 kilograms of heroin each month to bin Laden's organization. That provides al Qaeda with $24 million a year to fund his attacks against the West.

If we are to catch bin Laden and to wrap up his organization, we must attack his new source of income, heroin.

This triggers a change in the policy of the international coalition fighting al Qaeda. We should make this change. We should raise the rewards for catching bin Laden and attack his heroin organization.

There are at least three major drug trafficking organizations now operating in Afghanistan, all with links to Pakistan: The Taliban, the HIG and bin Laden's al Qaeda. Last week, coalition forces made their first effort and hit a major drug lab in eastern Afghanistan that captured $100 million worth of heroin that could have supported terror against the West.

Next week, I will be offering legislation to increase the rewards for the capture of terrorists but to also expand the rewards program to involve the rewards program in capturing narco-terrorists, and also to loosen up that rewards program so that we can provide valuable commodities which speak much more directly to the rural families in Pakistan and Afghanistan, providing, for example, motorcycles, farm implements or trucks for the capture of these well-known terrorists. The terrorists are changing their source of financing and the United States needs to change its strategy to dry up that financing.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from California (Mr. ISSA) is recognized for 5 minutes.

(Mr. ISSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

(Mr. SHUSTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCTION OF UNITED STATES SEAPORT MULTIYEAR SECURITY ENHANCEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, in keeping with the President's message last night on the critical need for security enhancement around our seaports and airports, I am introducing legislation today, the United States Seaport Multiyear Security Enhancement Act, and I ask all of my colleagues to support it. This is a bipartisan issue. Seaport security continues to be an ongoing national concern that Congress cannot afford to ignore any longer.

The United States Seaport Multiyear Security Enhancement Act is much-needed legislation that seeks to provide a steady, predictable stream of funding for port security projects. In short, this legislation creates a port security grant program within the Homeland Security Department. Our Nation's 361 seaports are considered a major terrorist target. It is known that al Qaeda has strong ties to the shipping industry and that one of the aims of this terrorist network is to weaken the economic security of our country. Our Nation's coastline is our longest border, which is a 95,000-mile coast that includes the Great Lakes and inland waterways.

Protecting America's seaports is critical to the Nation's economic growth, vitality and security. Seaports handle 95 percent of our Nation's overseas trade by volume, support the mobilization and deployment of U.S. Armed Forces and serve as transit points for millions of cruise and ferry passengers. Maritime industries contribute $742 billion per year to the U.S. gross national product.

The United States Coast Guard has issued final regulations that call for immediate and long-term investment in securing our seaports. According to the U.S. Coast Guard, implementing these regulations that directly address our seaport security needs will cost $1.125 billion in the first year and $5.45 billion over 10 years. To date, security funding to our seaports has been woefully underfunded. Congress has provided $442 million in seaport security funding through three rounds of competitive grant funding and from the Office of Domestic Preparedness. Given our Nation's economic dependence on our seaports and our ongoing national security concerns, Mr. Speaker, seaport security funding and the need for Federal support for our Nation's security should be ongoing.

Given the enormity of these seaport capital infrastructure projects, my legislation seeks to do the following: Establish a multiyear seaport grant program that resembles the letter of intent measures established in the aviation security program. And it calls for multiyear grants and $800 million per year for port security grant funding. The program would be authorized for 5 years.

Mr. Speaker, this legislation is much needed. According to the Department of Homeland Security, to date, $1 out of every $10 requested for port security grants is funded. That is one out of 10. The continuing security and economic needs that face our Nation and our seaports should be recognized by the establishment of the U.S. Seaport Multiyear Security Enhancement Act, the legislation that I am introducing today. I ask all of my colleagues for their support of this very important piece of legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DO NOT TRIVIALIZE NEED TO INTERNATIONALIZE IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, last night in his State of the Union address to the Nation, President Bush attempted to deride critics who have called upon him to broaden the coalition and internationalize the effort to provide security to Iraq and rebuild that war-torn nation. The President said, ''This particular criticism is hard to explain to our partners in Britain.'' And then he named 15 other countries and cited 17 others.

I respect the contributions that these other nations have made in Iraq, some of which like Spain, Italy and Japan have also lost sons to the war in Iraq.

But let us not be disingenuous on the subject of our allies in Iraq. With the exception of the United Kingdom, none are engaged in the arduous combat-related work that confronts the 130,000 American troops in Iraq who have endured over 500 dead and thousands of wounded among their ranks. And none carry the financial burden that the American taxpayer provides for the security of Iraq. President Bush should not trivialize the need to create a genuine international coalition capable of sharing the burdens of building a safe, secure and democratic Iraq.

I would like to have heard President Bush talk about how the United States needs the help, support and expertise of the United Nations, which has also paid in blood for our Iraq policy to ensure that the democracy-building and election process in Iraq are inclusive and successful. I would have liked to have heard President Bush talk about how the international community could help in the prosecution of Saddam Hussein so that his trial has credibility both inside and outside Iraq. I would have liked to have heard just one word from President Bush that indicates that he gets it, that he understands the United States must work with allies, NATO and the United Nations in order to secure the manpower and money necessary for a secure and stable Iraq. Certainly those of us concerned about the resources of our Federal budget understand this as we prepare to receive another supplemental spending request for at least $50 billion sometime later this year. That is $50 billion in addition to the more than $120 billion we have already spent so far on Iraq over the last year.

And, most of all, our troops on the ground understand this, including the members and families of our National Guard and Reserves who have served so valiantly, despite open-ended deployments and equipment shortages. But President Bush simply does not get it and last night he outlined how he will stay on the same go-it-alone course that has so alienated the rest of the world, diminished the credibility of U.S. foreign policy and intelligence, undermined international institutions, and left us resented rather than respected.

I do not believe the United States needs a permission slip to act when our security is genuinely threatened, but we now know that with Iraq, our security was never in imminent danger. There were no weapons of mass destruction. Instead, last night the President talked about ''weapons of mass destruction-related program activities,'' whatever that means. There were no ties to Osama bin Laden, whose name the President never even mentioned last night.

□ 1330

There was only a driving hunger to overthrow the Iraqi regime from the moment this administration entered the White House.

The unilateral and arrogant way in which the Bush administration has handled the Iraq war and its aftermath has resulted in a U.S. occupation that has cost us dearly in terms of human life and precious resources. It would have been nice if the President had even acknowledged last night the 500 American soldiers who have sacrificed their lives in Iraq and the thousands more who have been wounded.

Mr. Speaker, the exaggeration and the manipulation of intelligence and our changing rationales for our involvement have diminished the credibility and standing of the United States around the globe in ways that I truly believe undermine our security. Now we have a moral obligation to rebuild Iraq and to safeguard the Iraqi people, and we can only do that successfully with the help and support of the United Nations and the broader international community. It would have been nice if President Bush had taken just a few seconds in an hour-long speech to acknowledge that reality last night.

[From the Washington Post, Jan. 19, 2004]

ARMS ISSUE SEEN AS HURTING U.S. CREDIBILITY ABROAD

(By Glenn Kessler)

The Bush administration's inability to find weapons of mass destruction in Iraq—after public statements declaring an imminent threat posed by Iraqi President Saddam Hussein—has begun to harm the credibility abroad of the United States and of American intelligence, according to foreign policy experts in both parties.

In last year's State of the Union address, President Bush used stark imagery to make the case that military action was necessary. Among other claims, Bush said that Hussein had enough anthrax to ''kill several million people,'' enough botulinum toxin to ''subject millions of people to death by respiratory failure'' and enough chemical agents to ''kill untold thousands.''

Now, as the president prepared for this State of the Union address Tuesday, those frightening images of death and destruction have been replaced by a different reality: Few of the many claims made by the administration have been confirmed after months of searching by weapons inspectors.

Within the United States, Bush does not appear to have suffered much political damage from the failure to find weapons, with polls showing high ratings for his handling of the war and little concern that he misrepresented the threat.

But a range of foreign policy experts, including supporters of the war, said the long-term consequences of the administration's rhetoric could be severe overseas—especially because the war was waged without the backing of the United Nations and was opposed by large majorities, even in countries run by leaders that supported the invasion.

''The foreign policy blow-back is pretty serious,'' said Kenneth Adelman, member of the Pentagon's Defense Advisory Board and a supporter of the war. He said the gaps between the administration's rhetoric and the postwar findings threaten Bush's doctrine of ''preemption,'' which envisions attacking a nation because it is an imminent threat.

The doctrine ''rests not just on solid intelligence,'' Adelman said, but ''also on the credibility that the intelligence is solid.''

Already, in the crisis over North Korea's nuclear ambitions, China has rejected U.S. intelligence that North Korea has a secret program to enrich uranium for use in weapons. China is a key player in resolving the North Korean standoff, but its refusal to embrace the U.S. intelligence has disappointed U.S. official and could complicate negotiations to eliminate North Korea's weapons programs.

Richard Haass, president of the Council on Foreign Relations, said the same problem could occur if the United States presses for action against alleged weapons programs in Iran and Syria. The solution, he said, is to let international organizations such as the International Atomic Energy Agency take the lead in making the case, as has happened thus far in Iran, and also to be willing to share more of the intelligence with other countries.

The inability to find suspected weapons ''has to make it more difficult on some future occasion if the United States argues the intelligence warrants something controversial, like a preventive attack,'' said Haass, a Republican who was head of policy planning for Secretary of State Colin L. Powell when the war started. ''The result is we've made the bar higher for ourselves and we have to expect greater skepticism in the future.''

James Steinberg, a deputy national security adviser in the Clinton administration who believed there were legitimate concerns about Iraq's weapons programs, said the failure of the prewar claims to match the postwar reality ''add to the general sense of criticism about the U.S., that we will do anything, say anything'' to prevail.

Indeed, whenever Powell grants interviews to foreign news organizations, he is often hit with a question about the search for weapons of mass destruction. Last Friday, a British TV reporter asked whether in retirement he would ''admit that you had concerns about invading Iraq,'' and a Dutch reporter asked whether he ever had doubts about the Iraq policy.

''There's no doubt in my mind that he had the intention, he had the capability,'' Powell responded. ''How many weapons he had or didn't have, that will be determined.''

Some on Capitol Hill believe the issue is so important that they are pressing the president to address the apparent intelligence failure in the State of the Union address and propose ways to fix it.

''I believe that unanswered questions regarding the accuracy and reliability of U.S. intelligence have created a credibility gap and left the nation in a precarious position,'' Rep. Jane Harman (Calif.), the senior Democrat on the Permanent Select Committee on Intelligence, said in a speech last week. ''The intelligence community seems to be in a state of denial, and the administration seems to have moved on.''

Since last year's State of the Union, the White House has established procedures for handling intelligence in presidential speeches by including a CIA officer in the speechwriting process. The CIA is also conducting an internal review, comparing prewar estimates with postwar findings, and the final report will be finished after inspectors in Iraq complete their work.

But Bush and his aides have largely sought to divert attention from the issue. White House aides have said they expect this year's State of the Union speech to look ahead—to the democracy the administration hopes to establish in Iraq—rather than look back.

Officials also have turned the focus to celebrating Hussein's capture last month and repeatedly drawing attention to Hussein's mistreatment of his people. Officials have argued that if Iraq's stocks of weapons are still unclear, Hussein's intentions to again possess such weapons are not. Thirteen years ago, when the United States was a backer of

Hussein, Iraq used chemical weapons in the Iran-Iraq war.

The administration ''rid the Iraqi people of a murderous dictator, and rid the world of a menace to our future peace and security,'' Vice President Cheney said in a speech last week. Cheney—and other U.S. officials—increasingly point to Libya's decision last month to give up its weapons of mass destruction as a direct consequence of challenging Iraq.

Bush, when asked by ABC's Diane Sawyer why he said Iraq had weapons of mass destruction when intelligence pointed more to the possibility Hussein would obtain such weapons, dismissed the question: ''So, what's the difference?''

The U.S. team searching for Iraq's weapons has not issued a report since October, but in recent weeks the gap between administration claims and Iraq's actual weapons holdings has become increasingly clear. The Washington Post reported earlier this month that U.S. investigators have found no evidence that Iraq had a hidden cache of old chemical or biological weapons, and that its nuclear program had been shattered after the 1991 Persian Gulf War. A lengthy study issued by the Carnegie Endowment for International Peace also concluded the administration shifted the intelligence consensus on Iraq's weapons in 2002 as officials prepared for war, making it appear more imminent and threatening than was warranted by the evidence.

The report further said that the administration ''systematically misrepresented the threat'' posed by Iraq, often on purpose, in four ways: one, treating nuclear, chemical and biological weapons as a single threat, although each posed different dangers and evidence was particularly thin on Iraq's nuclear and chemical programs; two, insisting without evidence that Hussein would give his weapons to terrorists; three, often dropping caveats and uncertainties contained in the intelligence assessments when making public statements; and four, misrepresenting inspectors' findings so that minor threats were depicted as emergencies.

Jessica T. Mathews, president of the Carnegie Endowment and co-author of the report, pointed to one example in a speech delivered by Bush in Cincinnati on Oct. 7, 2002. U.N. inspectors had noted that Iraq had failed to account for bacterial growth media that, if used, ''could have produced about three times as much'' anthrax as Iraq had admitted. But Bush, in his speech, turned a theoretical possibility into a fact.

''The inspectors, however, concluded that Iraq had likely produced two to four times that amount,'' Bush said. ''This is a massive stockpile of biological weapons that has never been accounted for and is capable of killing millions.''

Mathews said her research showed the administration repeatedly and frequently took such liberties with the intelligence and inspectors' findings to bolster its cases for immediate action. In the Cincinnati example, ''in 35 words, you go from probably to a likelihood to a fact,'' she said. ''With a few little changes in wording, you turn an 'if' into a dire biological weapons stockpile. Anyone hearing that must be thinking, 'My God, this is an imminent threat.'''

Steinberg, who was privy to the intelligence before President Bill Clinton left office, said that while at the National Security Council he saw no evidence Iraq had reconstituted its nuclear weapons program, but that there were unresolved questions about Hussein's chemical and biological weapons programs. ''Given his reluctance to address these questions, you had to conclude he was hiding something,'' he said, adding that given the intelligence he saw, ''I certainly expected something would have turned up.''

''I think there are [diplomatic] consequences as a result of the president asking these questions [about Iraq's weapons holdings] and the answer being no'' weapons, said Danielle Pletka, vice president for foreign and defense policy studies at the American Enterprise Institute, who believes the ouster of Hussein justified the war. ''The intelligence could have been better.''

Richard Perle, another member of the Defense Advisory Board, said the criticism of the Bush administration is unfair. ''Intelligence is not an audit,'' he said. ''It's the best information you can get in circumstances of uncertainty, and you use it to make the best prudent judgment you can.''

He added that presidents in particular tend not to place qualifiers on their statements, especially when they are advocating a particular policy. ''Public officials tend to avoid hedging,'' he said.

Given the stakes involved—going to war—Mathews said the standards must be higher for such statements. ''The most important call a president can make by a mile is whether to take a country to war,'' she argued, making the consequences of unwise decisions or misleading statements even greater.

Indeed, she said, the reverberations are still being felt, even as the administration tries to put the problem behind it. A recent CBS poll found that only 16 percent of those surveyed believed the administration lied about Iraq's weapons. But she said there is intense interest in the report's findings, with 35,000 copies downloaded from the think tank's Web site in just five days. ''It is too soon to say there was no cost'' to the failure to find weapons, she said. ''I think there is a huge appetite for learning about this.''

SOLUTIONS FOR SKYROCKETING HEALTH CARE COSTS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last year's 9½ percent increase in health care spending and costs was the largest in 11 years. Our health care spending per capita doubles that of European nations; yet 43 million Americans have no health care coverage and millions more receive inadequate care.

Many Americans listened to the State of the Union address last night in hopes of hearing solutions to skyrocketing prescription drug costs and insurance costs, driven largely by the uninsured who show up in hospitals and emergency rooms seeking care, forcing all of us who do have health care to pay what I call an uninsured premium, which is one of the great causes of our health care inflation in this country.

Unfortunately, the President's speech did not propose new ways to tackle these problems. The President touted his Medicare bill but ignored the fact that that bill does nothing to address skyrocketing prescription drug prices. We pay in this country 40 to 50 percent more than Canadians and Europeans pay for the same prescription drugs.

To address the worsening problem of the uninsured, the President referred again to a refundable tax credit worth $1,000. The reality is in the marketplace it is impossible to find plans, individual plans, for $1,000 worth of any health care coverage, coverage none of us in Congress would take at all.

Until we commit ourselves to market-based solutions that embrace the principle of competition and choice, we will not bring down health care prices and costs. Access problems will only get worse for the uninsured and insured.

By asking our taxpayers to spend $400 billion on a Medicare prescription drug bill while paying the most expensive prices in the world, we are short-changing our seniors, and we are short-changing our taxpayers. They deserve the common decency and courtesy to get the best prices in the world, not the most expensive prices.

By not taking steps to lower all health insurance costs through market-based, cost-effective solutions, we are compromising the care all Americans receive who are struggling to try to pay for the premium increases and cost increases in their health care system.

Prescription drug spending increased by 15.3 percent in 2003. In Europe, where there is competition and choice for medications, prices on average are 40 percent below what they are here in the United States. In every other industry, food, software, cars, consumer electronics, worldwide competition keeps prices down here in the United States; yet for pharmaceutical drugs, we have a closed market, and we pay the most expensive prices in the world.

Polls show that more than two thirds of Americans think they should be able to purchase drugs from Canada and Europe; yet the final Medicare bill did not include these provisions. President Bush should work with Congress this year to lower prescription drug prices through greater reliance on competition and market forces and not threaten to veto such legislation. To do this, we should continue to work for market access legislation similar to the Pharmaceutical Market Access Act, which passed the House last year.

We should also expand the limited provisions in the Medicare bill to increase access to generics. We should remove the provision on the Medicare bill that prohibits the Secretary of Health and Human Services from doing both negotiation, setting up a Sam's Club-like entity of Medicare and using the 41 million seniors who purchase prescription drugs to reduce prices, just like the Veterans Administration and just like private plans.

The other major skyrocketing health care cost for the rest of us is the uninsured, and this is not just a problem for the poor. The fastest-growing group of people who are working without health care are people who earn $50,000 to $75,000 a year. The uninsured in this country who work is a middle-class problem.

Today, all insured Americans pay an uninsured premium in their taxes and their insurance policies, but all the

while the uninsured go without coverage. By addressing the health care needs of the uninsured, the entire system will work more efficiently, more cost effectively. Instead of trying to solve this problem with a tax credit that forces the uninsured to shop in the inefficient and expensive individual market, we should shape a policy for the uninsured around the principles of market competition.

I will propose legislation this year that provides the uninsured a voucher, a health care voucher, to purchase health insurance through a subsidiary of the Federal Employees Health Benefit Program, the same program where Members of Congress and the United States Senate and members of the administration get their health care. This plan will use the efficiencies of the group health insurance market to provide comprehensive insurance and reduce prices, while giving people a voucher. It also will keep the prices in a competitive range to the tax credit the President proposed.

There is nothing wrong with the health care system that competition and choice cannot fix.

THE WAR IN IRAQ AND WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, last night the President gave his State of the Union address to the Nation and to the Congress; and he brought up, rather surprisingly, weapons of mass destruction. The President said that American inspectors have ''identified dozens of weapons of mass destruction-related program activities'' in Iraq.

Mr. Speaker, I do not know what a weapons of mass destruction-related program activity is. I would like to find out. I do know this: it is not weapons of mass destruction. We have not found weapons of mass destruction in Iraq. David Kay, the American inspector, has not found them. The international inspectors did not find them.

Like many Members of this House, I voted in favor of the war in Iraq. I did so in order to disarm Saddam Hussein of weapons of mass destruction. I am glad that we have defeated Hussein. I am glad he is in our custody. We and the Iraqi people are better off with him in custody. He was a murderous tyrant. But we have not found the weapons of mass destruction, and it is clear that an extraordinary amount of exaggeration and deception occurred from the White House on the subject of weapons of mass destruction before we went to war in order to win congressional support for going to war.

The President talked last night about our international coalition. The President would like us to believe that we have a broad-based and effective international coalition in Iraq to move forward with securing what is still an unstable country and to move forward with reconstruction. He listed a long number of nations that have supplied some number of troops to the efforts in Iraq.

The fact is that well over 90 percent of the troops in Iraq are American. About 95 percent of the money being spent in Iraq is American taxpayer dollars, well over $160 billion to date. The fact is that we did not turn effectively to our traditional and historic allies and move forward with the international community in order to build a coalition to defeat Hussein in Iraq.

The President, when he won his authority to go to war, made a number of commitments. He said that he would exhaust diplomatic options before going to war. He did not. He said he would allow the international inspectors the opportunity to complete their work in Iraq. He did not. He said he would go to the United Nations and build a coalition, and he did not. And now the President would still have us believe that we are on a successful hunt and are turning up weapons of mass destruction in Iraq as part of a broad-based coalition in that country, and neither of those statements is true.

The fact of the matter is, Mr. Speaker, that the arrogance, the unilateralism, and the cowboy diplomacy of the President and the White House have made our challenges in Iraq much harder than they should have been and have made our war on al Qaeda and terror riskier and harder than it should be.

JOB CREATION AND THE BUSH ADMINISTRATION'S POLICIES

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 evening the President of our country addressed us here in the House Chamber, and it is always a great historic moment when that happens. But subsequent to his address, he left on Air Force One this morning for our home district and landed there at taxpayer expense in Air Force One, 6 weeks before the Ohio primary. With his campaign coffers loaded, I am a bit surprised that he did not use campaign funds for his visit today. He moved from the Toledo Express Airport to Owens Community College in order to talk about worker training or job training, which is one of the topics that the President addressed in his address last night. And one of the questions I would ask the President is his administration has cut job-training funds over the last 3 years and though Ohioans welcome any job-training funds this administration finally sees the light of day to produce, I am wondering if the President could not also concentrate on job creation so that jobs are there for workers who receive the training.

It was somewhat ironic that in this morning's Toledo Blade, the major daily in the region, it was pointed out that though the President is talking about job training at Owens College, the headline reads ''Owens lays off training employees before Bush's visit,'' and one of the several workers who has been handling workforce development at Owens College says she has worked there for 7 years and has been given a pink slip and is this not ironic. Another worker says, ''I've been informed that my position has been eliminated.'' She had been employed at the college for 25 years and started there as a student in 1978. She said, ''I'm 5 years from retirement. I really had thought after all this time I'd finish my career at the college and I'd still be a benefit'' to the college. ''It's just really hard for me to believe.''

The other names of those who have been pink-slipped at Owens College I will place in the CONGRESSIONAL RECORD.

This morning, as the President spoke, in his remarks he talked about job training. And Terry Thomas, the executive director of the Ohio Association of Community Colleges, which represents Owens College along with 23 other technical and community colleges in the State, added that there has been little funding for workforce development in Ohio; so any money from the government would help.

I would also like to place in the RECORD that the Bush administration and the Taft administration, both Republican administrations, have had a devastating impact on the State of Ohio where we have had now over 300,000 people out of work and 167,000 manufacturing jobs just in the last 3 years disappear from our State; and while all this is happening, hundreds of millions of dollars that I have voted for here in Congress have not been used by the State of Ohio. Indeed, there is over $242 million still available for job training and workforce development on deposit here with the Federal Government under programs that have been severely cut back by this administration, and the State of Ohio is not spending those dollars. There are severe problems in Ohio, and it is one of the reasons that Owens College cannot do as good a job as it might do simply because of poor performance by our State government as well as cutbacks in these workforce development programs here at the Federal level.

Mr. Speaker, the Bush administration nationwide has the worst record of job creation since Herbert Hoover, since the Great Depression.

□ 1345

Over 2,700,000 Americans are without work today. The President did not even use the words ''extending unemployment benefits'' in his remarks last night. What a tragedy.

Few States have been more severely impacted by the failed Bush administration policies than our State of Ohio. So it is an honor for us to receive a President of the United States, but,

really, he should be coming to help us. He should be coming to release the dollars that I had voted for here at the Federal level, and, most of all, helping us with job creation.

He is landing in a major corn producing State in Ohio. He could be helping us with transitioning America to fuel independence. Our farmers want to build ethanol plants and biodiesel plants in order to help this Nation break its dangerous addiction on foreign petroleum. Why does he not help us? When over 60 percent of the petroleum that fires this economy is imported from some of the most dangerous places in the world, we need his help.

Our State has been devastated by Republican economic policies at the national level and at the State level. Community after community has seen its jobs destroyed. The soaring Federal budget deficit and unemployment ranks deserve the President's attention. I am just so sorry he could not help us with job creation and workforce development when he visited our district today.

[From the Toledo Blade, Jan. 21, 2004]

OWENS LAYS OFF TRAINING EMPLOYEES BEFORE BUSH'S VISIT

(By Ryan E. Smith)

Just days before President Bush's visit today to Owens Community College to tout job training programs at such two-year schools, at least six Owens employees who handle work-force development have been given pink slips, The Blade has learned.

The timing of the news, so near the presidential visit and expected speech about proposed federally funded job training grants for community colleges, was not lost on Kathy Munger.

Ms. Munger, who has worked at Owens for seven years, is one of those given a pink slip. ''It's very ironic,'' she said.

Although some of those who received the two-week notices on Friday may be able to relocate in other departments, Ms. Munger, a training coordinator, and three other employees interviewed by The Blade said they will no longer have jobs.

''I've been informed that my position has been eliminated,'' said Pam Pullella, director of special projects who has been employed at the college for 25 years and started there as a student in 1978.

''I'm five years from retirement,'' she said, ''I really had thought that after all this time I'd finish my career at the college, and I'd still be a benefit. It's just really hard for me to believe.''

Others with the college's Center for Development and Training who confirmed to The Blade that they have received pink slips were Dr. Joseph Conrad, director of health and wellness; Jim Kronberg, director of spatial projects; Donna Brecht, records specialist, and Veronica Rice, records specialist. All work on the Perrysburg Township campus except for Mrs. Brecht and Ms. Rice, who are part of the college's Findlay operation.

Owens President Christa Adams called the personnel action a ''realignment,'' but could not say last night whether any of the movement would result in layoffs.

She and other officials were busy preparing for the President's visit and could not be reached for further comment.

Earlier in the day, Owens officials refused to discuss any of its work-force programs with The Blade.

The affected employees who spoke with The Blade said they believe the cuts at the Center for Development and Training are not the only ones to occur at the college. They said they were given no reason other than restructuring.

Dr. Conrad, who has been at the college for almost eight years, said he worries about whether the programs will be able to function adequately with the reduction in personnel.

''It has to be detrimental,'' he said. ''We don't have the manpower to continue the level of service to the community.''

Mrs. Brecht, 40, who said she helps put together classes and make sure there are enough instructors, indicated the move will leave Findlay's Center for Development and Training with only half its manpower. She said she will not be bumped to a new position because she is the ''low man on the totem pole.''

TOLEDO, OHIO.—President Bush promoted his job-creation and worker-training goals Wednesday in Ohio—a state hit hard by manufacturing losses and one that is key to his 2004 campaign.

Hours after his State of the Union speech, Bush touted his proposal for new job-training grants channeled through community colleges at one of the state's fastest growing community colleges.

He called for $250 million for programs to match workers and employers during his speech at Owens Community College.

''There's no better place to do that than the community college system,'' he said.

In addition to offering classes that help workers learn a new skill, community colleges often work with businesses to train their workers to use computer software or other skills.

''It's what we're all about,'' said Terry Thomas, executive director of the Ohio Association of Community Colleges, which represents 23 technical and community colleges.

But he added that there has been little funding for work force development, so any money from the government would help.

Owens Community College has seen its enrollment increase for 26 consecutive semesters. It now has about 40,000 full- and part-time students at its campuses in Toledo and Findlay.

Job training and counterterrorism proposals were among several plans Bush said Tuesday night that he would offer in his 2005 budget—a blueprint to be released Feb. 2 that will be constrained by record deficits expected to approach $500 billion this year.

Even as Democrats scrapped among themselves over who would oppose him in November, the State of the Union address touted his administration's successes: the toppling and capture of Saddam Hussein, revival of economic growth, and passage of major tax cuts and a Medicare prescription drug benefit.

The address contained few major new proposals, underlining the limitations of a budget burdened by deficits and a campaign year in which far-reaching legislative accomplishments probably will be hard to come by. After calling last week for a resumption of human flights to the moon and eventually sending astronauts to Mars and beyond, Bush didn't mention space exploration in his speech.

From Congress to the presidential campaign trail in New Hampshire, where next week's presidential primary will be held, Democrats balked. They said Bush had ignored the job losses, ballooning budget deficits, diplomatic reversals and growing ranks of Americans without health insurance that have characterized his administration.

Bush touted a cluster of issues sure to energize conservative voters who are the core of the Republican Party.

He said he would support a constitutional amendment defining marriage as being between a man and a woman if courts struck down a law mandating that. He asked lawmakers to renew expiring portions of the USA Patriot Act that strengthen the investigative reach of law enforcement agencies, double funds for abstinence education and codify his administration's award of federal grants to religious charities.

He also took a swipe at Democrats who have challenged the path he took in Iraq, who have said his tax cuts were an unnecessary boon to the rich and that his Medicare expansion and education initiatives were inadequate.

He said the nation needed to stay the course against terrorism and admonished those who would ''turn back to the dangerous illusion that terrorists are not plotting and outlaw regimes are no threat to us.''

''We have not come all this way—through tragedy and trial and war—only to falter and leave our work unfinished,'' the president said.

By far, the most expensive proposal in his speech was one he has made repeatedly: Making his already enacted cuts in personal income and other taxes permanent. That has a price tag estimated at $2 trillion, and an uncertain fate in Congress, considering projections for year after year of huge budget deficits.

Bush also called for more money—likely to be relatively small amounts—for spreading democratic institutions abroad, helping students performing poorly in math and reading, training prisoners for future employment and testing for drugs in schools.

He proposed tax breaks to help low-income people afford health care, and renewed his call to let people divert part of their Social Security taxes into retirement accounts whose investment they would control.

Congress is unlikely to touch an overhaul of politically sensitive Social Security at least until next year, after the elections.

RESPONDING TO STATE OF THE UNION MESSAGE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I, too, like many of my Democratic colleagues this afternoon, would like to respond, if you will, to the President's State of the Union address, which, of course, he gave to the Nation last night from the House podium just right behind me here.

Unfortunately, Mr. Speaker, thanks to what I consider extremist policies of President Bush and the Republican leadership here in Congress, the priorities of the American people, priorities of good jobs, better access to healthcare and the best education for our children, are not being addressed, either at the White House or here by the House Republican majority, and certainly the President's speech last night did nothing to convince me that any of these priorities will be addressed in the forthcoming year.

The problem, as I see it, Mr. Speaker, is that President Bush and Congressional Republicans continue to cater to

America's elite, to the wealthy. There is no doubt our Nation's millionaires have fared well over the past 3 years under President Bush and the elite have seen their taxes dramatically cut. But the hard-pressed middle-class face a weak job market that, thanks to President Bush's economic priorities, show no signs of improving in the immediate future.

So even though the President talks about economic recovery, it may be economic recovery when you look at the stock market quotations, but it is not when you look at jobs and the possibility for real job creation that would actually help the average American.

The President's efforts to provide billions of dollars in tax breaks to our Nation's millionaires will saddle our children and my children with massive deficits. So not only is his policy not creating jobs, but his policy is creating more and more debt.

President Bush and the Congressional Republicans have squandered historic budget surpluses. When President Bush took office, we had a surplus for the first time under President Clinton. But because of the collapse of fiscal discipline, now we are faced with a $5 trillion national debt over the next decade, which has been brought about, in my opinion, by President Bush and the Republican policies here in the Congress.

One only has to revisit the President's last two State of the Union addresses to realize how out of touch the President is with what policies will really jump-start our Nation's economy. I would like to spend a little time this afternoon trying to compare some of the statements that President Bush made in the last couple of State of the Unions before last night to try to point out how really out of touch he is, and how what he mentioned last night is not going to get us to where he says we are going to go.

Two years ago, President Bush touted his second round of tax cuts by declaring in his State of the Union address, ''My economic security plan can be summed up with one word: Jobs.''

Instead of creating jobs, on President Bush's watch, our Nation has witnessed the greatest job loss in a recovery since the Great Depression of the 1930s. A few months of modest job creation that we have had over the past few months cannot hide the abysmal performance of the labor market over the past 3 years.

According to a State of the Union report from the Center for American Progress, long-term unemployment is close to a 20-year high because the labor market is so weak. The labor force participation rate in December 2003, just this past December, was at its lowest level since December 1991, a dozen years ago.

At every turn, the President has passed up opportunities to pass what I call high-bang-for-the-buck stimulus to jump-start job creation, and instead favors inefficient, ineffective, long-term tax cuts for the most well-off.

If you really want to create jobs, then you use the Federal budget and the power of the Federal Government to stimulate and jump-start jobs, job creation. Instead, we have this inefficient, long-term tax cut proposal which, as you heard last night, the President wants to continue, and, according to the Center for American Progress again, the report, in 2002, with our economy in desperate need of a jump-start, the administration pushed to retroactively eliminate the corporate alternative minimum tax, a provision which would have provided a $254 million tax break to Enron. But what did it do for job creation here in the U.S. for the average guy? Nothing.

Let us consider the words that President Bush spoke last year during his 2003 State of the Union address. Again, we are going to go back one year. He said, ''We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other presidents and other generations.''

That is what he said a year prior to last night. But, despite this promise, President Bush's policies over the last 3 years led our Nation to a record $450 billion deficit. This deficit is a major problem in terms of job growth, job creation, and even the long-term stability of the economy. Everyone recognizes that the President and the Republicans pushed up the debt to unheard of heights.

Again, I want to put this deficit problem in perspective, to go back to this report from the Center for American Progress. It found in the report that 5 years from now the average family's share of the national debt will be more than $84,000, compared to a projected $500 per family when Bush took office.

So when the President took office, the national debt, if you look at it per capita, was very low. We were actually in a surplus. We just had a national debt that had been inherited from before, but we were actually in a surplus. Now that national debt has grown to more than $84,000 for the average family's share. It is an incredible figure when you think about it, and it makes it really impossible for us to talk about the Federal Government playing any kind of role to create jobs or to improve the economy when we have such a huge deficit.

Our Nation's fiscal situation is so dire that the International Monetary Fund issued an unusually strong and stark warning about the threat that rising fiscal and trade deficits in the U.S. pose to the financial stability of the world economy. This was just a couple weeks ago when the International Monetary Fund issued this warning.

In a departure from what he previously had said, the President last night, if you took notice, actually did say that the deficit was a problem. I think he finally came around to the point where he cannot just ignore it, because if you think about it, prior to last night he was saying, ''Oh, it doesn't matter. We can continue to have larger deficits, growing deficits. It doesn't make any difference.''

But last night he finally acknowledged the fact that the deficit was a problem, and he did express concern over the size of the deficit and he basically reasserted his commitment to cut the deficit in half in the next 5 years.

But that is, again, his rhetoric. He is saying that, he is acknowledging for the first time in the last 3 years that the deficit is a problem, and he is saying he wants to cut it in half over the next 5 years, but if you look at the policies that President Bush put forward last night, the reality is they are only going to increase the deficit. They are not going to cut the deficit, they are going to increase the deficit.

Again if you go back to this report from the Center for American Progress, the President proposed at least $3 trillion in new tax cuts last night and spending over the next few months. So between the tax cuts that he talked about last night and the new spending he talked about last night, we are talking about a huge increase in the deficit, not a decrease.

I can say that, and I would like to detail a little more this afternoon why I say that what he is proposing last night in terms of tax cuts and new spending is going to increase the deficit rather than cut it in half over the next 5 years.

First let us talk about the $1 trillion proposal to privatize Social Security which the President mentioned. I have to tell you that I do not like the idea of privatizing Social Security in any way. I do not think the whole idea of privatizing Social Security is a good thing, but the President mentioned it, and I want to give you the fiscal consequences.

Partial Social Security privatization under the President's proposal last night would, all by itself, require at least $1 trillion in extra funds over the next decade. That is from the New York Times yesterday, January 20.

What about the new tax cuts? The Congressional Budget Office estimates that the cost of President Bush's proposals last night to make his tax cuts permanent at roughly $1 trillion. That is from the Washington Times, September of this year.

What about the mission to Mars? He did not mention in his speech last night the mission to Mars, but he has, over the last week, talked about how he wants to propose this mission to Mars. While the White House has tried to fudge the total cost of the Mars proposal, a similar proposal was floated way back in 1989, over 20 years ago, and at that time the cost was projected at $400 billion to $500 billion. With inflation, that is about $600 to $700 billion today. Again, where is that money going to come from, without us going further and further into debt?

He also proposed a missile defense system. Despite a GAO report advising against moving forward with an untested missile defense system, the Bush

administration is moving forward and they talk about a missile defense system that would cost as much as $273 billion. That is from a GAO report of June earlier this year, the Center for Arms Control and Nonproliferation.

Also the war. Again, the President made his presentation about the war in Iraq and the war against terrorism and linked it to it. But on top of the $166 billion already spent on the war in Iraq, the President is expected to propose a $50 billion supplemental bill to pay for Iraqi war costs. The bill probably will not come up maybe until after the November election, but that is another $50 billion for the war in Iraq, which, again, is costing us a tremendous amount of money and driving us further into debt.

Lastly, and I know in the scheme of things you might say this does not add up to much, it is only $1.5 billion, but the President's proposal to promote marriage, Bush administration officials have been working with various conservative groups on this proposal, and it would provide at least $1.5 billion for training to help couples develop interpersonal skills that sustain healthy marriages. That is from The New York Times last week.

Well, again, maybe $1.5 billion does not sound like much in the scheme of things, but $1.5 billion to promote marriage? Promotion of marriage is certainly a good thing, but do we have to spend $1.5 billion and go further into deficit to promote marriage? I do not think so. I do not think that is a good expenditure of Federal funds.

So my point is, the President addressed the issue of the deficit last night. He said he is going to cut it in half over the next 5 years, but everything he proposed last night, tax cuts, spend in various areas, all adds up to a significant increase in the deficit. So the rhetoric does not go along with the reality.

How can the President say he plans to cut the deficit in half at the same time he proposes $3 trillion in new tax cuts and spending? I think he has got to level with the American people. The only way he can really address the skyrocketing deficit is to roll back the components of his tax cuts that, again, as I said earlier, in my opinion, disproportionately benefit the very wealthiest.

The President's suggestion that his tax cuts have been only a minor factor in the fiscal deterioration, actually he said the opposite, that the tax cuts have been a factor in turning the economy around, I would say they have been actually a major factor in our fiscal deterioration and certainly in the deficit creation. They are the largest single contributor to the deterioration of our budget outlook.

Mr. Speaker, when you look at the President's speech, keep these statements in mind about what he said in the past in his State of the Union versus what he is saying now, and I think he has a long way to go to prove to the American people that his economic proposals will not only benefit the wealthy, but also middle-class Americans.

I wanted to spend a little time, I know some of my colleagues earlier this afternoon talked about the ill-fated Republican Medicare prescription drug bill, and, again, the President touted that last night and said how great a thing that was. I have to be honest and say that I think it was pretty obvious if you looked around the room last night, around the House Chambers, that his Medicare prescription drug bill fell on deaf ears.

Obviously since it was passed back in November and the President took it to the people, and our colleagues on both the Republican and Democratic side went home, they found, to no surprise of mine or most of the Democrats, that this was not a proposal that people felt was accomplishing anything, and, in fact, might actually hurt Medicare because of the effort to privatize.

□ 1400

So when the President talked about his prescription drug proposal last night, I noticed there was very few applause, even from the Republican side of the aisle; and I do not think anybody stood up. I think it is testimony of the fact that both sides of the aisle think it is not a good proposal and that the public does not like it.

Now, what is the reason? If we think about it, what they did was to suggest they were somehow giving people a prescription drug benefit when in reality what they were really doing was changing the Medicare program for the worse. If we look at the actual coverage for prescription drugs for seniors under that bill that was signed into law a month or so ago, it provides woefully inadequate prescription drug coverage.

There is a giant gap in coverage in which seniors receive no assistance with costs between $2,200 and $5,100 annually. About half of all seniors will not have any drug coverage for part of the year. It does nothing, the Republican Medicare bill does nothing to reduce the cost of prescription drugs. The bill prohibits Medicare from using the bargaining power of 40 million seniors to negotiate lower drug prices, which we are going to see as the drug companies continuing to reach huge profits, and yet seniors will continue to get the major price increases which at times have amounted to 18 percent annually on the drugs that they need just to remain healthy.

In addition, the Medicare bill forces seniors into private plans through either HMOs or PPOs. The other day the President announced he was going to give the HMOs and these private health plans a huge influx of money to try to entice them back into the Medicare program. But I have to tell my colleagues that in my own State of New Jersey, we have had 200,000 seniors in New Jersey that were dropped by HMOs pursuant to Medicare in the time since the HMOs were allowed to participate in the Medicare program.

Mr. Speaker, I could go on and on. I think the bottom line is that we lost a tremendous opportunity last year to pass a prescription drug bill that would actually be meaningful for seniors. We as Democrats simply proposed expanding Medicare to include prescription drugs. One would stay in their traditional Medicare, one did not have to join an HMO, and we would expand Medicare in the same way that we provide coverage now under part B for doctor bills. One would simply pay $25 a month. One would have a $100 deductible. Twenty percent of the cost of drugs there would be a copay, and the other 80 percent would be paid for by the government. And the Democratic proposal would have specifically mandated that the administrator of the Medicare program bargain to reduce costs for prescription drugs to the average senior.

But we tried that. The Republicans rejected it. We are now faced with this essentially worthless Medicare bill that does not really do anything to help seniors with their drug bills.

The last thing I wanted to do today, and I see one of my colleagues is here and I would like to have him join me, but the last thing I wanted to say is in the time when we were back in our districts in December over the Christmas holiday and New Year's, the one issue that continued to rise to be brought to my attention, to be raised by my constituents was the increased cost of health insurance. We know that more and more Americans do not have health insurance; but even for those who do have coverage, because they get it on the job or if they have to buy it on their own, are very concerned about the rising costs and the fact that they may not be able to afford health insurance or their employer might not provide it in the future.

So that is why the President last night mentioned the crisis and said that there was a problem out there, but what he failed to mention is that the situation has gotten worse. There are about 4 million Americans that have lost their insurance coverage in the last 3 years since President Bush has been in office. If we think of what he proposed last night, a $1,000 tax credit is really going to be meaningless for most of those who do not have insurance now. We know that if you do not have health insurance and you want to try to go out and buy it on the private market, a $1,000 tax credit is not going to be any significant help to you.

So the President's proposals last night, whether they were the affiliated health plans or the tax credit, is basically the same old proposals that he has been shuffling around for the last 3 years or so; and they are not going to do the job of providing Americans with health coverage, neither those who do not have health insurance or those who are afraid of losing it.

Again, I worry, because I see the President talking about the problems that are out there, suggesting that somehow he is going to do something about it; but when we look at the specifics about what he is going to do or what he is proposing, it does not add up to any meaningful effort to provide health insurance, to increase the number of jobs, to reduce the deficit, all the things that are so much of a priority right now.

Mr. Speaker, I see my colleague, the gentleman from Michigan, is here; and I would like to yield to him.

Mr. STUPAK. Mr. Speaker, we are talking about the President's State of the Union address last night. From where I was sitting, my perspective, I am from Michigan, from the northern half, and I was really surprised that the President never mentioned the urban areas of this country. About 60 percent of the people in this country live in cities. He did not articulate any type of a plan or approach to help those areas that are dealing with many, many problems. Especially since the National Conference of Mayors is in town this week, I thought at least there would be some mention about urban areas: what can we do to help them with their urban sprawl, with infrastructure needs, green space, or even just helping them cope with these homeland securities which cost these cities millions of dollars. When we get elevated from yellow to orange or orange to red, whatever system they are using now, it costs them a lot of money. The cities, like the States right now, are financially strapped for cash. How do they pay for this? If it is a requirement of the Federal Government, should we not just help them out? I was surprised that he did not touch on the cities.

I was also very, very surprised, and maybe it is the record of this administration, that he did not even mention veterans. Why would he not mention veterans? We are creating veterans every day in this country with the war in Afghanistan and Iraq, and he never even mentioned them. Probably because we saw proposed $20 billion cuts in veterans health over the next 10 years; that is what his budget proposal shows. It would really eliminate and cap the number of veterans who can access the VA system. We have a cap on it right now because there is not enough money in the system. So maybe the President did not want to talk about veterans because his record in that area has not been very good.

So I would hope that we in this upcoming Congress can put a little more attention on the veterans issues. The Democratic Party and the Democrats in their response, and others, I saw coming up with bold new ideas on how to move this country forward. As the gentleman from New Jersey was saying, some of the stuff we have heard over the last 3 years was just warmed over and put in the State of the Union; but we have different ideas, bold ideas, new ideas that I think are important. It would be my hope that in this session of Congress, Democrats and Republicans can work together to move forward some of these initiatives.

Some of the initiatives that the President did bring up did tweak my interest, let us say, like the health insurance. The gentleman and I both sit on the Subcommittee on Health of the Committee on Energy and Commerce, and we have both spent a lot of time on that. Homeland security, I thought we would hear more about that, like fully equipping the first responders, the police, the fire, the emergency medical people.

Increased protection on the border. I come from northern Michigan, right there at Sault Sainte Marie, Michigan, crossing back and forth to Canada. Before September 11, most of our stations were not manned 24 hours a day. We have made some increases. We have more immigration officers, more Customs officials, more border patrols, they are all now under Homeland Security. But what happened was we put money out there to increase the number of people there; but last Labor Day, the first part of September, they were laying people off. They were supposed to be protecting our borders.

So I wish the President would have spent a little more time saying, look, there are some things we should do in homeland security, especially those of us who have a northern or southern border. It is critically important to us. We know all the cargo ships and containers that come into this country by ship or plane or trucks, we are only inspecting 2 to 3 percent of that cargo. We can do better than that with all of the modern technology and equipment we have. It does not cost that much.

There is no reason why we cannot implement a program. We have the technology. We sat through those hearings where they have shown us the technology to look for biological, radiological weapons and environmental weapons that may be in these containers. Why are we not doing it? If we want to talk about really being safe, that is one area we could improve. I mean, a 2 to 3 percent inspection, that means 97 to 98 are going through uninspected, really makes us susceptible to any kind of an attack, bioterrorist, chemical, or nuclear in this country.

So the Democrats have also put forth a proposal to do this, to increase that. That is not asking that much. We even know the cost of these machines, like big x-ray machines that can scan cargo holds and cargo containers. Why are we not talking about that if we want to really be secure here at home?

Taking a look at the economy and jobs, with all due respect to the President, more tax cuts is not going to solve this problem. In the last 3 years, if we take a look at the total package of the tax cuts that have been passed by this Congress, it is about $2 trillion. And if they really created jobs, our economy would not be in the slump we have.

Take my State of Michigan, we are a manufacturing State, and we have been hit terribly under these Bush economic policies. Since the President took office, and I am going back now to August of last year when they claimed we had this big increase in the third quarter of last year, well, in my State of Michigan we lost over 130 manufacturing jobs. They are not coming back. Those jobs like Electrolux in Greenville, Michigan, they are going south. They are going south of us. They are taking their tax cuts, and they are going to Mexico and other areas; and it is going to take out about 2,700 jobs in the little town of Greenville, Michigan. Throughout my district, there has been a number of them who have lost jobs. They go south. We have lost 130 manufacturing jobs. Let us face it, they are not coming back.

The President said, well, this tax increase would create these jobs. If we take a look at it, going back to my State of Michigan, 46 percent of the people received less than $100 with the last Bush tax cut. How does that help anyone, and how does that create new jobs?

Mr. Speaker, we have so many needs in this country, and the Democrats have come up with a proposal to stimulate this economy, to get jobs moving. We actually put forth a proposal, never were we allowed to bring it to the floor for a vote, because the Democratic proposal was a good one. We supported targeted tax cuts. There should be some for middle class and working families, you bet you. We are there and willing to do it. But our economic and tax cut plan would have created 1 million jobs immediately. How were we going to do that? Invest back in our infrastructure, our port security that I spoke of; and we would have done this by taking money out of the trust funds and not add one penny to the deficit, not one penny to the deficit, but create a million jobs, invest here at home, invest in our airports, our water ports, to protect them from terrorism; and we could create jobs doing that; and, again, we would not have added anything to this deficit which is exploding out of sight.

Democrats do have a better way.

There are a number of things that we can and should be doing. We are willing to work with the President, but they also have to be willing to work with us. By that I mean the gentleman from New Jersey spoke a lot about the Medicare bill with the prescription drug plan. We notice when we had those hearings and we had, they call it the conference committee, no Democrats were ever invited to it; we were not even told when they were. So it was not like we got together; we were not even invited to the table to discuss it. In the House here, the person who probably knows more about Medicare and prescription drugs is the gentleman from my home State of Michigan (Mr. DINGELL). He has been here

and been involved in every Medicare bill since Medicare was created in 1965; he was not even included in the discussions or even asked his ideas.

So these proposals, we are willing to work with them, but they have to include us. The tax cut bills, we were not included on that. The Medicare bill, the energy bill which failed in the Senate, we were not included on that. We need better understanding, and we need a better working relationship with this White House and with the majority party in this Congress.

The gentleman from New Jersey mentioned prescription drugs and the Medicare plan. Just getting access to prescription drugs is a battle for many of us. If we take a look at it, our plan, the Democrat plan basically said, use the purchasing power of the Federal Government to help lower these costs; in fact, the Secretary of Health and Human Services, Mr. Thompson, negotiate a lower drug price for us so we can pass it on to the 40 million recipients in Medicare so it does not cost them so much. The bill passed by Republicans expressly prohibited it. The bill also expressly prohibits the Secretary or average Americans from going to Canada or Europe to get lower cost prescription drugs.

□ 1415

One are forbidden from doing it. If one are really interested in lowering the cost for the American people and for our seniors, these two common sense approaches, why is not that part of the Medicare bill to keep the cost down?

And I bring up this Medicare and prescription drugs because the President said last night he will give tax incentives to help people to afford health insurance. Well, that is wonderful, but we need some incentives to keep those costs down. If he did not allow us to come together to lower the cost, negotiate lower prices for prescription drugs, is he really going to allow in the bill the associated health plans to allow businesses to come together to negotiate lower prices down? If we look at the track record, the answer is no. If we are not going to do it on prescription drugs, why would we suddenly want to do it on these associated health plans.

If one really takes a look at the associated health plans, why are they somewhat popular? Well, because underneath the associated health plans, there are two major problems. They do not necessarily come and band together. Each small business in that plan is its own entity and can lead it or drop it whenever they want. So we cannot guarantee that unity, the cohesiveness would stay there.

The second big problem with these associated health plans that the President brought up is that small employers, besides cut and run for a better deal, they do not have to follow state mandates. Every State says, look, if you offer health insurance in our State, here are some basic rules you have to follow, basic things we want you to do: Prenatal coverage, mental health coverage, immunization coverage, emergency room access, things like that.

These associated health plans that the President brought up last night they do not have to do that. They work outside the State requirements. So they can pick and choose in this State we do not want to offer this or maybe we do not want to do a prenatal care. Maybe we do not want the mental health part of it.

So one is paying a lot of money for half a plan as dictated by the insurance industry and not the needs of the people in that State in which one is selling that insurance.

I like the ideas that the President brought up. If they are willing to work with us, I am sure we can work out some ideas. Democrats believe that a health care coverage plan should include all Americans. We believe the health care coverage should be continuous, that one is not wondering from year to year am I going to have the coverage, but there should be a continuation of coverage.

We believe health care coverage has to be affordable for families and individuals. We believe that health insurance should also be something as a society we all can afford.

And last, but not least, we should also make sure that health insurance actually promotes health and well-being like prevention programs, prenatal care, and access to high quality care that is effective, efficient, safe, timely, and patient-centered and is equitable, people are getting a reasonable return for the money they are spending on health insurance. I do not think that is asking too much.

These are some old ideas that are Democrats are willing to put forth: Accessible health insurance, affordable health insurance, make sure it is adequate to meet the needs of the society one is trying to serve and will always be there in the future so someone is not cut as soon as they have a claim.

So, again, we are willing to work with the President, but he has to reach out to include us.

It was interesting, we talked some more about it when the President was talking about the energy bill and how we should do this. And I think he said, if I quote him right, he said something like ''I urge you to pass legislation to promote conservation.'' I notice he did not say, ''I urge you to pass an energy bill that is also concerned about our environment.'' That was left out. I did not find the environment anywhere in the President's nine pages, this little book that we received with his remarks in there. Probably because in the last couple years, we have been fighting on the floor to keep a strong Clean Air Act, keep a Clean Water Act, protect our national forests and oppose drilling in ANWR and some of these other areas, and fully fund Superfund, which cleans up and reinstates the polluter-pay principle, one of the things we all believe in.

But that Superfund, unfortunately, we used to get a royalty off the oil and gas drilling in this country and a percentage of that would go and fund Superfund. Well, since the new party took over, the majority took over in 1995, we have not put any money in the Superfund. And there are many Superfund sites in the Great Lake State of Michigan. We have many Superfund sites around the State, around our Great Lakes that should be cleaned up.

So if one is going to talk about energy policy, let us restore enough money for that energy policy. At least fund the Superfund to clean up Superfund sites and reinstate the polluter-pay principle. I think that is something we should all be able to agree with at least in principle.

I was disappointed also when the President said the No Child Left Behind Act is opening doors to opportunity to all of America's children. But as we know too often, and ask any school administrator, the Federal Government with the Leave No Child Behind did not fully fund it. For instance, Title I has a shortfall of billions of dollars.

If one takes a look at this last budget, to meet the requirements of this new testing that the President spoke of and all these other requirements that Leave No Child Behind Act, we should fund these programs. We are putting regulations on these schools. They are expected to perform, but yet they are not receiving Federal money to do this. While he may have increased funding for education, it has not kept pace with requirements that the Leave No Child Behind Act is requiring our schools to do. So we would like to see it fully funded.

And I also believe the other thing we should do if we are going to fully fund education from K through 12 is IDEA, Individual Disabilities Education Act. IDEA, the Federal Government passed that before this President was in office, and it was also a promise the Federal Government would fund it at 40 percent. At best, we are funding it at 18 to 19 percent. We are not even funding half of what we promised to fund when it came to K through 12 education. So, again, I think the ideas are there, but one has to put the funding there.

If one is going to do education, if we don't want to leave a child behind, if we want to test them to see if they are meeting the skills, give the schools the resources to adequately do it and not short change them. Unfortunately, that is what has happened in the last few years. In the last fiscal year we are short $8 billion nationwide to fund education.

I do not disagree with what the President says but let us fully fund the education. So I really think that the President put forth some ideas. I think they fall short in some areas. We are willing to work with him, the Republican party, the majority party in this

House, but they have to include us in some of these programs.

Democrats do have a better way. We do want to see a number of things happen. We want to see, like, homeland security. We talked a little bit about that. But let us fully fund our first response people. Let us improve our domestic nuclear security and protect our communities against a terrorist attack. We can do this by doing inspection of cargo. It is something so simple that we could do, the technology is there. We even know the cost.

We have sat on the Committee on Energy and Commerce and we have laid out the cost and how much every one of these machines are, how many port of entries we have. We have close to 400 in this country where cargo comes in through ships from other countries. We know where. We know what the cargo is. Let us detect and make sure there is nothing coming in here. I think that is of even greater importance now as we have increased activity around this world in terrorism. And it is something we should be able to do. There is no reason why we cannot.

There are so many other things we could do. Like I said, I was really surprised that the President did not even mention them in the State of the Union address. Democrats we believe that we should ensure full payment of both retirement and a disability compensation to a half a million disabled American veteran retirees. We should do that immediately. Right now the way the law is if one has a military disability pension and a retirement from them, they deduct dollar for dollar if one is receiving disability from their retirement pay. They have earned both of them. They should be fully funded. Why could not we do that for them?

We should fully fund the veterans health care. We should permit an increase in bonuses for soldiers in combat. This is interesting. We had the motion on the Floor here during our debate on the $87 billion for Iraq to provide a $1,500 bonus for every man and woman who fought in Iraq or Afghanistan. $1,500 out of $87 billion. That tied 213–213 and the amendment did not pass. I could not believe it.

And here we are talking about the great job our men and women in the armed services are doing for us. And they do. But give them a little bonus. Most, and I should say a large number of people in Iraq are from the Reserves and the National Guard, they left their good paying civilian jobs when their country called upon them to go fight in Iraq. So we want to give them a $1,500 bonus to help ease that financial concern at home. And it ended up in a tie in the U.S. House of Representatives. I cannot believe it. That was basically a party line vote. The President and the administration and Republican party will not support us so it ended up in a tie.

There are so many more things we could do. Democrats do have bold new ideas. We would like to be part of the process. We urge the majority party and the President to work with us. We have a new year here, a new session just starting. We look forward to working with them. But as I said earlier, when we have these conferences and these ideas coming through Congress, all we ask is for an opportunity to have our amendments put forth before this floor, put together a substitute that we would be allowed to vote on. But, unfortunately, as we have seen on these major issues like Medicare, energy bill, the appropriations bills, we are just completely excluded.

That is almost unheard of in a country of this stature which is a true democracy that the minority party, in this case Democrats, representing 49 percent of the country, are not even allowed to put forth the proposals or amendments on the House floor. I know that upsets a lot of people and certainly upsets all of us.

Even if we do not have the votes to pass it, at least let our new ideas come forth on this Floor and be argued and debated and let the American people make up their mind on this legislation.

So I pleased to come down here and join my colleague. I look forward to doing that throughout the year as we have in the past working on this. There are other issues, and I look forward to working with him on them.

We have an opportunity, and I hope the President and his party will work with us, so we can move this country forward because the economy is not where we want it to be. We are struggling. As I said, Michigan alone lost the most manufacturing jobs of any State. We are hurting back in Michigan. We need some help.

There are some things we can do, but another tax cut is not going to jump-start our economy in Michigan. It may be good for Wall Street, but it is not very good for Main Street where we do create the jobs. We have heard it so many times in the media that this is a jobless recovery. Well, the economy seems to be looking good on Wall Street. And IRAs and even 401(k)s and other things may look a little better, but for folks back home they are not employed, they are not working, it is not helping them.

In Michigan, at the last tax cut we got less than $100. 46 percent of the people in Michigan got less than a $100 in the last Bush tax cut. It is not going to help us out. Let us put some people back to work immediately. Adopt the Democratic plan which says we can put a million people back to work immediately by working in infrastructure, roads, bridges, port security, airport security, without adding to the deficit. We can do it by taking money out of the trust funds.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Michigan not only because of what he said today, but also because of all the work he does, particularly on the committee that we are both on, the Committee on Energy and Commerce. But I was listening to what he said. He was talking about mostly in the context of his State, Michigan. But everything that he said applies to my State as well, and probably to the rest of the country.

One of the things he mentioned that I wanted to comment on was this whole effort to exclude the Democrats. He mentioned that, for example, with the Medicare prescription drug bill we were not invited to the conference to discuss the bill. Even the gentleman from Michigan (Mr. DINGELL), the senior Member of the House, the ranking member on our committee, was excluded.

And when I talk to my constituents, and obviously my colleagues have the same reaction, they are shocked to find out that they elect somebody to come down here and just because they are of a particular party, that is, in the majority, that they have so little say. And we witnessed it earlier.

At the end of the day, when we have the little colloquy between the gentleman from Texas (Mr. DELAY) and usually it is the gentleman from Maryland (Mr. HOYER) on our side about the schedule, today a couple of our Democratic colleagues brought up the fact that the Republicans have refused to even consider a debate on the issue of extending unemployment compensation. And the Republican Majority Leader, the gentleman from Texas (Mr. DELAY) made it quite clear that he was opposed to extending unemployment compensation. But it was not enough that he said that he was opposed to it, he had to go further and say that he was not going to allow a debate on it.

And the reason he said, sort of in a sarcastic way, he said something about the fact, ''Well, I think the Democrats said we have 208 members on a discharge petition to bring this bill up.'' And the gentleman from Texas (Mr. DELAY) said, ''Well, last I heard, 218 is the majority.'' So what he essentially was saying well there may be 208 Democrats out there that are signed on and want to debate this issue, but since they are in the minority, even only by 10 votes, we are not debating it. That is the kind of thing we get.

I do not want to disparage him, but this is what we get all the time. The Democrats are not in the majority so there will be no debate. The Democrats are not in the majority so they will not be a party to the conference. The Democrats are not in the majority, so we are not really interested in their point of view.

Particularly last night, listening to the President's State of the Union Address, I noticed that many of the commentators said it was a very divisive speech, that there was no effort to reach out and say maybe we do not agree on this issue whether it is health care or job creation or whatever, but even though we do not agree, let us get together and try to work it out in a unified way.

□ 1430

Never was that suggested. It was almost as if this was my way or the highway. It is a very bad development in the way that we operate around here, and I think it is important that the gentleman mention it. I appreciate that the gentleman mentioned it.

The other thing I wanted to say just in terms of comparing what the gentleman said about Michigan versus New Jersey, so many soft things you mentioned are true for my State as well. I thought it was very glaring that there was absolutely no mention in the President's speech about any environmental concerns, as if the environment did not even exist as an issue. In the past he has always tried to touch upon it a little. Even though he has a terrible record, in my opinion, and has been cutting back on environmental regulation and enforcement, he would at least mention it. It was not even mentioned.

As the gentleman said, my State of New Jersey has more Superfund sites than any other State, and my congressional district has the most Superfund sites in the State of New Jersey. And it is very upsetting to my municipalities because many of these Superfund sites that are terribly toxic, we have one in Edison, New Jersey, that was the site where they produced agent orange, the herbicide, during the Vietnam War. It is in the stage now where they are gradually cleaning it up. But because they are told there is no money left in the Superfund, that may have to stop, actually has stopped on occasion, and then started up again when the money was available.

That is what we are facing, the crisis with the hazardous waste clean-ups because there is no money left from the Superfund because the President did not want to renew the tax on the oil and chemical industry that would pay for the clean-up.

The gentleman talked about the ports. Obviously, one way that is very effective in terms of creating jobs is to spend money on infrastructure, on homeland security. New Jersey, like Michigan, is a State that has a lot of port activity. Most of the cargo that comes into the port of New York actually comes into New Jersey, the majority of it. I have heard from so many of the inspectors about how so little of the cargo is inspected.

We had a situation in December while we were not here in Congress where our governor had to announce that he could not, there was a proposal because of the bad state of the roads in New Jersey to increase the gasoline tax, and he decided not to do it because he knew that a tax increase would probably not pass and there would be a lot of political opposition to it, so he decided not to increase the gas tax. But we face a crisis in our transportation infrastructure.

If we can get an infusion of funds from the Federal Government to help with our bridges and our highways, not only would we be able to fix them up and make transportation easier; but it would create a lot of jobs, and we do not get this. All we get is more tax cuts and there is no way that, either in the short or the long run, that that is going to be job creation.

The thing that really surprised me, and I do not know where the gentleman stands on this issue, last night the only thing that I thought the President mentioned about job creation was the need for more free-trade agreements. He signed all these free-trade agreements over the last couple of years, and that is a major reason why so many of the jobs have gone south, not only to Mexico but to China and other countries.

Here he is again saying, okay, we need more of these free-trade agreements. Free trade is all right, but we have got to have some kind of a program to enhance our manufacturing base before we just sign all these agreements and let everybody take away all our manufacturing jobs. It is just amazing to me.

We could keep going on, and I do not want to necessarily keep repeating what the gentleman said, but I just want to say that so many of the things that the gentleman mentioned have direct application to my State, and all we keep getting is more tax cuts for the wealthy, more debt. And somehow the suggestion on the part of the President is that that is helping with the economy, when I think it is doing the opposite.

I do not know if the gentleman wanted to add anything else.

Mr. STUPAK. Mr. Speaker, the gentleman spoke a little bit about the trade agreements. Now they are trying to push the Free Trade Agreement of the Americas. In the past year we have done the Chilean Trade Agreement, Singapore. We have done a number of them, but yet we still see jobs leaving this country.

When we talk about it, everybody says, well, we will enforce the laws that are on the books, but look at what just happened with steel. The International Trade Commission found unanimously, six-nothing, that there was illegal dumping of steel goods in this country. By illegal dumping I mean they are selling it in this country at less than what it cost to produce it in China or Brazil or the Ukraine or wherever it was, and they dumped it here. And the President said, all right, since you have harmed our industry, we will help our steel industry and the iron ore miners that I represent in Northern Michigan. We will put a tariff on it.

That lasted 18 months and the President pulled out of the agreement. Now we no longer have these tariffs again, and you will see steel starting to get dumped once again in this country.

So when the President says, I need more trade agreements to open up the global market and we will enforce the laws, the first one we have seen where he has actually taken a high-profile case, the steel industry, he is going to hold it for 3 years, 3 years at 30 percent. Three years those tariffs would be on. It would be a 30 percent tariff.

And then what happened half way through it because of pressure from some of our trading partners, the President decides to abandon the tariffs. He promised the steel industry 3 years to get back on its feet. There has been consolidation. There has been more efficiency in the steel industry. Our mines, and I had a couple mines up there, they have consolidated to cut costs to be more competitive. We make the best steel in the world. And we have all worked together.

He said 3 years. We have laid out a 3-year plan to revitalize the steel industry in this country. That lasted 18 months. So when the President says that, with all due respect, he sort of loses a little credibility in my mind when he wants to bring out further trade agreements, not just a Free Trade Agreement with the America which would be all the way down to South America; but he is also talking about a Middle East trade agreement which would include the Middle East, including Iraq. We have had a trade agreement this last year with Jordan.

There are trade agreements all the time. And no matter where you fall on it, you decide for or against them, but when you find clear-cut violations like in the steel industry where the International Trade Commission by a six-zero vote unanimously says, they have dumped illegal steel in this country and hurt our industry, we have a right now to bring in to remedy the situation. The President does it for 3 years, and he pulls out after 18 months.

So I have little faith that any future trade agreements, when there are violations, they will say, oh, we are getting pressure from our trade partners, therefore, too bad. I talked about Michigan. We lost the most manufacturing jobs of any State under this President. Those jobs are gone. Those were good-paying jobs. What do you replace them with? Service industry jobs, minimum wage, jobs with no benefits.

While we are losing these jobs and have record unemployment in Michigan, we are at 7 percent unemployment, what did they do on overtime in the budget bill that we passed here? The reason why many of us did not vote for it, they have a clause in there that you do not have to pay overtime anymore.

One of the hallmarks of employee rights in this, if you work more than 40 hours you get overtime. Under the President's proposal, they will overhaul the overtime rules that would cause in Michigan alone over 300,000 workers to lose access to their overtime pay.

The President says, it does not affect those who have a collective bargaining agreement. Guess what? As soon as that collective bargaining agreement expires, what is the employer going to

say? I do not have to pay overtime anymore. The Federal law has changed; you guys are out of luck.

That is what we cannot have. So, again, we are willing to work with this President. We are willing to work with the majority party. We even bang on their door when they do not invite us to the prescription drug or budget. We bang on the door. And besides sending the Capitol Police, I wish they would ask us to sit down and let us work together. At the end of the day, after we have our voice, after we are heard, whether it is on the House floor or in committee, if we do not have the votes on the proposal so be it. That is the democratic process. But at least give us access to this process. We do represent 49 percent of the people in this country; and, hopefully, after November it will be more than 49 percent.

We just want access, to have an opportunity to have a fair debate with the American people on these proposals, whether it is the President's health insurance proposal, his trade agreements, his environmental policies. We are happy to debate. But do not stick these proposals in these massive omnibus budget bills that no one reads and no one has time to look at, and we run it over to the Senate and rubber stamp it over there and we come back and the President signs it. Because there are many things in there that do affect the well-being of the American people in the gentleman's district and mine. We certainly have a right to be heard on each and every one of those issues.

Mr. PALLONE. Mr. Speaker, I agree and I appreciate the gentleman coming down here.

I wanted to say one last thing. The manufacturing sector is very crucial in terms of job creation and job retention, for the gentleman's State, for my State, and all over.

The thing that is amazing about it is when I listened to the President last night, when we look at other countries, whether it is Canada or Western Europe or certainly true for China and the Asian countries, they have a national policy that basically dictates trying to create jobs.

If there is going to be a free-trade agreement with Singapore, for example, I am sure that Singapore has figured out how they are going to gain and benefit. If they are going to lose jobs, they will retrain people to create more jobs in another sector.

If you listened to the President last night, it is almost like, that is not my job, that is not my responsibility. He talked about job training, but he did not suggest how job training would be worked in such a way to train for a new job.

We talked about the manufacturing sector. In New Jersey, in my district, we consider ourselves sort of like a little Silicon Valley, the IT sector; health care is a big sector. And even those jobs are now being lost overseas. We have radiologists complaining about how the radiology is being done in Asia, or the IT sector where the computer jobs are going overseas.

So we have to have some kind of national policy with regard to job retention and job creation. And he does not even mention that. That is not our job. Washington, the President, the Congress have nothing to do with that. So when he talks about job training, I am like, well, what are you training for? You do not give us any details on how somebody is going to be trained to go work for a job that is available. It is very disconcerting.

Mr. STUPAK. Mr. Speaker, as I mentioned throughout this Special Order today, Michigan has lost so many manufacturing jobs, more than any other State. We actually got together, the congressional delegation, and the Democrats in particular, along with our governor, Governor Granholm, and actually put together a proposal, a HELP proposal as we called it: Health insurance, employment benefits, liabilities of the pension fund so they have a pension when they retire, and then a U.S. dollar policy. We laid out a very thoughtful document and sent it up to the White House and the President and asked them to at least comment on it and join with us because no economy in this world can exist without at least a strong manufacturing base; and we are losing it so quickly in this country, especially the last few years.

So we put forth our proposal called HELP. Unfortunately, we have not heard anything back from the White House. I know they have been on break. Now we have the budget wrapped up, so maybe we will take a look at it. But there are, Governor Granholm, some of us in the House and at least on the Michigan Democratic congressional delegation, trying to do something because we feel strongly that if you do not have a strong manufacturing base, service industry is fine, high-tech, all that is fine, but you still need a basic manufacturing base to your country. So we put forth a proposal. Again, we are willing to work with the President on that because we do have to keep good-paying manufacturing jobs here in this country. They cannot all go south, and we have to do some things to help out pensions, health care, employment benefits and the value of the dollar as a big impact on our goods overseas.

So we hope that we can work with this administration and this President in addressing those concerns we have on manufacturing.

Mr. PALLONE. Mr. Speaker, I agree. I just want to reiterate in closing what the gentleman said again about the need to work with Democrats. Really, the hallmark of this administration, and also the Republican leadership in this House, has been to exclude the Democrats and not have us be part of the debate. That has got to change because otherwise I think we will never get to a situation where we can have consensus proposals for job creation, for health care, on the environment that are really going to be meaningful. I think that Congress suffers from the fact that this bipartisanship has essentially disappeared under the Republican majority.

Mr. Speaker, I thank the gentleman again.

AMERICA'S DRUG POLICY

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, the subject of this Special Order, and I hope to be joined by several of my colleagues, is going to be narcotics policy in the United States and a number of success stories we have had.

We often talk about the problems and challenges as chairman of the Subcommittee on Drug Policy, the committee that has oversight over all drug issues but also authorizing over the Office of National Drug Control Policy, so-called Drug Czar, Director John Walters. We have authorizing and oversight on all drug issues.

Before I get directly into the subject of this Special Order, I wanted to say a few words about last night's wonderful address on this floor and to this assembly.

If the President had included every single thing of importance and everything we have in our budget, we would still be sitting here this morning. So I first want to thank the President for finishing his speech in 60 minutes.

My colleagues were sharing many concerns that I share as well. That is why our budgets are this thick. That is why we debate all year long on appropriations. But the goal of the State of the Union address is to set a basic vision for where our country is headed; and I thought President Bush did a remarkable job of outlining the major challenges that we face.

□ 1445

We are not a county or a city council. We are not mayors. We are not governors. First and foremost, this body and the President of the United States and the United States Senate have to do international policy. States and local governments cannot do things like the challenges we faced after 9/11 in trying to root out terrorism in Afghanistan, root out terrorism in the funding and the harboring of terrorists in Iraq, to try to break up these networks worldwide, and the President definitely had his focus on the one thing that only the President can lead in and that was our national security. He said, very eloquently, after the first World Trade Center attack and the bombing occurred there, the people were served with subpoenas, they went through our court process, but then the terrorist groups came back and hit us even bigger. We cannot just issue subpoenas. We have to tackle the problem head-on.

He also said in response to some critics that we are not going to get a permission slip to protect the American people. We each took an oath of office to uphold the security of the American people, every Member of this body and the President of the United States, and in spite of all the criticism, it would have been easier to make some compromises last night on some of this stuff but he held firm because he would prefer to win, but if it is necessary to protect American security, he will do what is necessary, and if the people do not understand it and reject him, he can look at himself in the mirror and said I did my best job, I did my best job to defend the American people, I upheld the Constitution to do that. He showed his boldness last night in defending his policies.

By the way, both sides stood up and cheered. On these issues, there was not a my-way-or-the-highway approach. I saw both sides of the aisle standing on almost all of his statements on international security, on Iraq, on Afghanistan. I saw bipartisanship. Not every Member of the other party stood, but most did and most supported, at least many of them, the war resolution itself.

Let me mention a couple of other specifics. For example, I support veterans assistance, too. In my district, I do not have any active bases. I have lots of guard and reserve units, and I voted for and support the continued effort if we are going to use guard and reserve like the military to try to address pay concerns, and we are not going to have an active voluntary military unless we improve pay and health service and all sorts of things for the veterans.

I am on the Select Committee on Homeland Security. I strongly believe we have to do more on the domestic side of homeland security, but fortunately, by disrupting, as the President pointed out, by disrupting the terrorist bases, by disrupting the financial assistance that they have, the places to hide out, they are continuing to try to penetrate us the same ways because they do not have the training grounds in Iraq. They do not have the training grounds in Afghanistan. They do not have the financial networks. They do not have places to hide out right now so we have been able to intercept them, which buys us time to help along the Canadian border, along the Mexican border, to try to get better and faster equipment in our harbors because the cost would be horrendous to try to defend every child care center in America, to try to defend every single harbor, to slow us down so that our goods in the United States go up way in prices as we try to ship them in and out, as we try to check 100 percent at the border. It just cannot work right now.

As we move these machines in, for example, many of these machines at the airport cost $1.5 million each. One cannot walk down to Wal-Mart and pick them up. It takes a while for the companies to make them, to implement them at the airports, but because we have disrupted those bases, because they do not have places to hide out, we have not been hit on our soil. Because of the brave men and women in our Armed Forces, they are taking the bullets that were intended for us here.

So we have time to develop our domestic homeland security because of the initiatives the President has done. And the fact is, I know those who would like to throw the incumbent party out of office do not like to admit this, but the economy is recovering, and the economy is recovering in spite of 9/11. In spite of the weakness that occurred after 9/11 in the markets exposing the fraud and cheating of companies like Enron and others who are manipulating the markets, in spite of the uncertainties of war, the economy is coming back, and it is coming back more efficient, and the jobs are increasing not at a fast enough rate.

Underneath that we have some problems. That is why we have the job retraining because we are having reshifting. I hope we address the Chinese currency question and the unfair trade policies of China that are ripping the guts out of my District just like they are in other places and unnecessarily causing adjustments. The President pointed out we needed an energy bill and we need new health care bills because when we talk about jobs, when we talk to industry and the people who create the jobs and the investors, they want the tax cuts. If the Democrats succeed in raising the taxes, they will kill the recovery because when they say they do not like the President's tax cuts, what they mean is they do not want to vote to extend them, and if we do not extend them, as the President said last night, it is an increase.

So, if they increase the taxes, does anybody really believe there will be additional investment to keep our economy recovering? Do people really believe if we increase the taxes on inheritances that small businesses will not disband and continue to sell out to foreign corporations because of inheritance taxes? Do people really believe if we raise capital gains taxes again that people will expand their companies and add jobs in their companies? Do people really believe that if we increase their income taxes, and as the President said last night, everybody who pays taxes got a tax cut. The only people who did not get a tax cut are the people who do not pay income taxes. They did not get an income tax cut because they do not pay income, but if you pay income, you got a tax cut, and by giving more dollars to people, people were able to invest and now help lead the stock market recovery.

After 9/11 if we had not given the $600 to individuals, I just cannot imagine where our economy would be, and then the child tax credit, can my colleagues imagine the pressures on families trying to deal with health care and housing costs and clothing costs if all of the sudden the Democrats succeed in taking back the tax credits? We will have a disaster in the economy. That is why the President talked about taxes last night and health care last night and some adjustments; and he talked about Medicare, too, which is important with seniors.

The only area where we did not really have bipartisan support was when the President addressed social issue. When he talked about abstinence education, it was really disappointing to see that become a partisan issue. Since when has abstinence before marriage become a partisan issue? That was really sad. Since when did the Defense of Marriage Act, which even President Clinton signed, that said marriage should be between a man and a woman forever, when did that become a partisan issue? When did drug testing and drug prevention programs become partisan?

I am concerned about the divides on the social issue area because, in fact, we had the bipartisan support for the Medicare bill. It could not have passed if we had not had literally dozens of Democrats for that bill. The tax bill would not have passed without Democratic support. We would not have been able to pass the war resolution without Democratic support, but on things like faith-based, on abstinence education, defending marriage in the United States, we do need to have bipartisan support. We need help from the other side. We cannot just have those issues be Republican issues, and it was really disturbing last night to see that division, and when it is viewed as the President interjecting partisanship, if he raises the subject of abstinence education, my lands, how is that partisan? If we say I believe marriage should be between a man and a woman that is partisan?

Those people who criticize faith-based organizations as being partisan have a problem right now. Where has the consensus and the moral foundations of America gone? I thought the President laid that kind of comprehensive vision, not the particulars that will come in the budget, but the comprehensive vision of a strong America that stands up against evil in the world, wherever it is coming from, an America that is founded on letting people keep their own money, of trying to create job creation, not have Washington drive everything, not having lawsuits drive our economy but having the people that are investing in it drive the economy, and a moral, Judeo-Christian-based foundation in America that treats people decently and accommodates all kinds of religious diversity as people move into our country but understands that faith plays a key role in our Nation. That was the vision he laid out.

Now it is our job as Congress to take his budget that he proposes to us and get into the specifics of how we fund the National Guard and what we do in

the national parks. I have worked with my colleague from New Jersey on fish and wildlife issues, on human rights issues. We do that stuff on a regular basis, but last night we had an amazing presentation on the basic vision of where we are going in America, and I was excited by that speech.

One of the things the President also addressed was a few new anti-narcotics initiatives, but I think a lot of people missed something he said right at the beginning of his new initiatives on drug testing and prevention and trying to correct steroid abuse in the United States, and that is, that we have had a drop in illicit drug usage in the United States of 11 percent in the last 2 years. It is an extraordinary thing.

I get a lot of flak as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources. The drug legalizers groups, and groups funded by George Soros that masquerade as large citizen groups but get their money mostly from George Soros and his few allies who are billionaires to try to legalize drugs in the United States, hiding behind so-called medicinal marijuana which is not medicinal at all, and heroin needles, distribution, free heroin clinics and all this type of stuff, really predominantly a drug legalization movement funded by George Soros and his allies. Those groups do not like me. They do not like anything that comes out of our committee, and they are constantly harassing us.

They opposed and were just really crushed when the ONDCP, the Office of National Drug Control Policy, and the National Ad Campaign passed this House by voice vote. They were just crushed because they had this idea that there was going to be this big uprising and drug policy would be defeated, but the fact is we have done drug policy in a bipartisan way. The gentleman from Maryland (Mr. CUMMINGS), who is the ranking member of the subcommittee, he and I do our best to work together on all issues, to draft the bill together. He had multiple amendments. The gentleman from California (Mr. WAXMAN) and I often do not see eye to eye on other things, as the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the full Committee on Government Reform, and I do see eye to eye, and we have our differences at times with the gentleman from California (Mr. WAXMAN) and the gentleman from Maryland (Mr. CUMMINGS), but we realized on drug policy we needed to stand together and worked to address the evils. By doing that, we have had a reduction.

Often, I will come to the House floor and talk about the problems of Oxycontin and the rise in meth and the struggles in Colombia and Mexico and Canada and in Afghanistan, but the truth is if all we hear is the struggles, we miss the part of the success story, that in fact, the money we have been spending, by raising the struggles, by raising the problems, the money we have been spending has actually been working.

Those who are libertarians, or I would call liberal-tarians, whether they be far right or far left anti-government people, want a line and say government programs never work. No government programs can tinker at the edges. Job creation predominantly comes from the private sector, but incentives can help, that in education it should be mostly at the local government but had we not addressed through IDEA and certain civil rights legislation many people in American would not have had a chance, and the Federal Government needed to directly step in. Clearly in housing, had the Federal Government not stepped in in certain areas, there would not be some of that social safety net. That is not the primary. From a concerted perspective, I think it is secondary, but in some groups, it was very primary and important.

Same thing in narcotics policy. We have most law enforcement is State and local. Most treatment is State and local or private sector through insurance. Most of these things are done through the private sector, but the government plays a critical role, and let me read a few of the accomplishments this year through the Office of National Drug Control Policy.

One of the most visible is the national campaign against marijuana which is probably why there has been such an outcry and an angry frustration with some of our policies, because the one thing they do not want to happen was marijuana. So let me address that a minute.

We hear, and as I started to point out, about all the negatives and then we start to think it is not working, but in fact, we have made progress. We have these peaks that drug use in the United States went up in the 1960s, dropped, went up again, dropped under Reagan, went up again. By the way, we would have to reduce drug use in the United States 50 percent to get it back to where it was when President Clinton took office. We can argue with subgroups in that and some went up higher than others and some drugs went up higher than others, but we are making progress now partly because, quite frankly, we had a balloon when our national policy from 1992 to 1994, our national policy was hear no evil, see no evil, do no evil.

From that perspective, what happened was is the President started joking about I did not inhale. They cut the drug czar's office from 120 people down to 23 people. They cut the interdiction money going to South America by dramatic amounts, and guess what, cocaine and heroin flooded into our country. Marijuana flooded our streets. The stigma went off like it did in the 1960s. The grades of marijuana went up in their potency from 5 to 8 percent THC to 15 to 25, in some places, 40 percent THC, where marijuana is as potent and as dangerous as cocaine and sells for that amount in the streets. Those changes in 1992 and 1994 were dramatic.

President Clinton, to his credit, after the Republicans took over and after a little bit of arm twisting, brought in General McCaffrey to head the drug czar's office, gave him dollars, and since 1995 we have had pretty steady progress for 8 years. The first couple of years were more to flatten out the trends, then to get like a 2 percent, and last year, there was an 8 percent reduction in marijuana. People who say the national ad campaign does not work are wrong. The fact is, by educating people, not just hammering off over the heads and saying, look, you are going to wind up forever destroyed if you use marijuana, no, not everybody who does winds up destroyed, but you cannot get at cocaine, heroin, meth, oxycontin and other abuses as a whole unless you get at marijuana, because marijuana and alcohol abuse, but for the other hard drugs, marijuana basically is an entry level drug.

□ 1500

For every 10 marijuana users, one, or maybe two, counting high-grade marijuana, will move into a harder drug. If you have 100, you will have 10 over here. If you have a thousand, you will have a hundred over here. If you have 10,000, you will have a thousand over here. The percents stay roughly the same.

Because once you are introduced, a certain percentage will become addicted, whether psychological or physical. A certain percentage will want a higher hit, a bigger and longer impact of the narcotics. And the next thing you know, you have more addicts.

So to make a really dramatic reduction, Director Walters decided to go at marijuana. So the national ad campaign showed all kinds and they studied particularly target youth groups. I hear a lot of people say, I do not see a lot of those ads, or I do not particularly like those ads. Well, guess what, 53-year-old white guys like me are not the primary target. Not saying there are not 53-year-old white guys who are abusing cocaine, but we are not the prime target. We are trying to get people at the entry, at the gateway coming in and getting addicted. By the time you are 53, if you are addicted, you need a treatment program. And we are working with the treatment programs and trying to do that. What we need to do is get at the people as they are coming into the system.

I see I have been joined by my colleague, the gentleman from Pennsylvania (Mr. PETERSON), and he has been a leader in the drug-testing area. If I can, let me make a brief introduction on the drug testing.

Last night, the President proposed an initiative for $25 million for drug testing. The gentleman from Pennsylvania has been looking at this issue for some time. I worked on this when I was a staffer over on the Senate side with Senator Coates years ago. So let us say this as point blank as we can. Drug-free prevention programs and treatment programs will not work without

drug testing. You have to have an accountability. The President last night said that as part of our prevention treatment programs we are going to put in some measurement sticks, just like he talked about in education and just like he talked about in other areas, and one of those things is drug testing.

Mr. Speaker, I yield now to my friend from Pennsylvania to talk about a little of that and whatever other issue he wants to talk about.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to commend my good friend from Indiana (Mr. SOUDER), who is the leader in Congress on this issue. I want to commend him for these efforts because these are not issues that are pushed by the power brokers in this country or pushed by the big PAC givers. These are the issues that are at the heart and soul of America's kids and who, I feel, have more peer pressure today to deal with the drug issue than any generation before them.

This used to be a city issue. For years, maybe decades, the cities have been infected with drugs. But I hear the experts today say there is not a community in America that does not have a drug problem. Now, one of the problems we have is a lot of those communities do not realize the severity of the problem and sometimes kind of just want to look by it as long as it has not impacted them or their families or their neighborhoods.

I represent a huge rural district in Pennsylvania, one of the largest rural districts in the eastern part of the country, and I have hundreds and hundreds of small towns. I have not talked to a youngster in my office that does not tell of the severity of the drug issue in their school and the easy availability, marijuana being available in middle school. Sometimes kids will actually smoke a marijuana cigarette before they smoke tobacco because it is easier to buy. They do not have to have an ID card. Stop and think about that.

Jonathan Walters, the Drug Czar, was with me in my district about a year ago and is doing a wonderful job. I will never forget the face of a young lady, 16 years old, who lived in a small town of about 6,000 people. This is an area you would think would not be infested with drugs. When she was 14 she was using three bags of heroin a day. The young people in that school were driving into north Philadelphia and they were buying pure uncut heroin.

The tragedy of that is that usually heroin is the drug for the end-of-the-line user. When people got hooked on heroin, they had worked their way all the way up the food chain. Heroin is such a powerfully addicting drug, it is usually just a matter of time until their life is over. But here we have 14-year-old and 15-year-old and 16-year-old teenagers who are into heroin. I have probably 10 or 15 communities in my district that have known heavy heroin use in kids.

The power of it is that it is uncut pure heroin that is affordable and available. And the problem with that is it is so addictive that the drug counselors tell me if you have any kind of an addictive personality you may never lick the habit. Now, this young lady, I said to her, what is your wish? Well, she said, my wish in life is that I had never touched it. I am on my second rehabilitation program, and I hope I can stay drug-free. I do not want to ever do drugs again.

But the addiction is so powerful, and when you take young people like that, who are not even mature as an adult yet, and give them uncut heroin, or uncut cocaine, or the one that has been terribly impacting my region also, which is methamphetamine, where it is manufactured in laboratories out in the country, in homes and garages and barns and buildings, it is about as addicting as heroin and about as powerful. And I am told many times people who may be first- and second-time users will fight that addiction the rest of their life.

So those who think testing is an intrusion of privacy, I want to plead with you that testing is the only way parents know, it is the only way a family knows, it is the only way schools know what your child is doing. And if you have it to where schools participate voluntarily and parents approve of their kids being tested, I would test all kids that parents would allow the test. Leave it a freedom of choice of the family, but I would make it a negative check-off where everybody gets tested.

Now, that is not where most are at today. But I listened to the debate at the Supreme Court when they expanded from sports activities to all extracurricular activities, and some schools have gotten creative and said kids driving their cars to school, because assuming you drive your car to school, you are more likely to be bringing drugs in here.

I had an argument with a nationally well-known figure, and if I mentioned his name you would all know him, but he was arguing on a national television show against testing, so I said to him, well, if my memory is correct, 15 or 20 years ago the military had a rampant drug problem, and random testing fixed it. He stopped, he paused, he said, yes, I was there. I was a part of that. I had never related it, but you are right. I change my position at this moment. I would support random drug testing.

So today I introduce the Empowering Parents and Teachers for a Drug Free Education Act. The gentleman from Indiana (Mr. SOUDER) joined me and the gentleman from Nebraska (Mr. OSBORNE). That is a band of three. But I think it is legislation whose time has come.

I cannot tell you how excited I was last night when the President put sufficient emphasis on this. It is not about privacy. It is about helping young people who are now being exposed to drugs that are so powerful that if they use them once or twice they may be addicted the rest of their lives. So it is preserving their life.

It is not about drug enforcement. It is about when you find a youngster that has drugs in their system that the parents get involved, and then the schools get involved to first help them with this problem. A youngster into drugs without help will soon be too far down the road that they will literally owe their life to the drug dealers.

When you look at who the drug dealers are, we know today for a fact that terrorism is often funded by drug dealers. The drug dealers of America in our small towns are the scourge of this country. They are the low life who care nothing about the future of our youth, care nothing about the future of this country. They are just interested in the mammoth profits they make selling this poison to our young people.

I will never forget the discussion I had last year with my granddaughter Nicole. We were going shopping after Christmas, returning some things and spending some of her money she had gotten for Christmas, and we always get on this subject. And she said, Pop, why are you so concerned I will get on drugs? I am a good student. I am doing well in school, she said. I am not going to do drugs, Pop. So I said, well, who do you think will entice you to do drugs? She said, oh, some creep at school or somebody that will come. I said, no, Nicole, that is not who will introduce you to drugs. The person who will introduce you to drugs is one of your best friends, like Jacquelyn, whose boyfriend or friend has, maybe at a party where she has had a couple of beers, even though that is not legal, but her judgment is impaired and she tries them. When she tries them and has gotten into that habit, she is going to want her best friend, Nicole, to be with her.

It is not some creep that introduces our kids to drugs. It is somebody who is their friend. It is somebody who they have an established relationship with. I guess the thing that scares me, and that I wish school superintendents would be more scared of, and I wish parents would be more fearful of is that their child, without any doubt is going to have numerous opportunities to do drugs. Even if they are not an avid drinker, even if they are not into the other things where they are more likely to, there will be a time. So we must help these young people.

In the workplace today it is common practice. You sign a form, and in most cases they say we will be randomly drug testing. That is the way of the work world. In the military, you will be randomly drug tested. And I find there is no tool to help get drugs out of our schools. If I were president of a college, I would have on the application form that you will be randomly drug tested. And I would promise the parents that brought them there that my first goal would be to run a drug-free college. It would be difficult, but it would be my number one goal. Because those are still those formative years.

The kids tell me that the age at which they are asked to do drugs is

getting younger and younger and younger. And when you get down to 8th and 9th graders, who are not that mature yet, who are more vulnerable, and the drugs are more available to them, and they are more potent than they have ever been, a lot of them are pure and uncut, and at that those young ages, if they try once, they may never lick the habit.

I thank my colleague for the chance to join him.

Mr. SOUDER. Mr. Speaker, I would like to yield to my friend, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I would like to join my fellow colleagues today in applauding our President last night for his position on drug testing, and I would certainly agree with what my colleagues have just said, because young people today are faced with this onslaught.

First of all, we have a media around them, entertainment media, et cetera, that actually breaks down their ability to make the right decisions for their lives in the long run, and drug testing would not only go a long way in terms of just identifying a young person whose parents need to know that they are vulnerable and are perhaps making some wrong choices in their life, but drug testing also gives these young people an added incentive to say no.

Without drug testing, if you are talking about your daughter going to a party or something and having a few beers, there is nothing she can say to the person proposing using drugs except, well, that is wrong and we should not do that; my parents have told me that is wrong. And that is about as neat a thing to say at a party as I guess let us listen to Bing Crosby music or something like that. But if there is drug testing in school, young people will know what to say. And what to say is I cannot take this drug because I may be tested for drugs in my school tomorrow. And if I get tested for drugs and I am positive, my parents will know about it.

And as far as I am concerned, any young person who is found to have drugs through drug testing, and there should be drug testing in our schools from junior high all the way through, not only should their parents be notified but the student should be able to then face an extra hurdle to jump over before graduation. And that hurdle should be a class that they need to take that will demonstrate to them the evils and the threat that drugs have for them as an individual. We need to let this child, who is now a young person, sit through a few films and some personal stories about how drugs have destroyed the lives of other young people and make that mandatory if that young person tests positive for drugs.

□ 1515

They would have to get a passing grade. And I would suggest that if someone has tested positive for drugs before they get their degree, they have got to test so they are not on drugs. In other words, we have got to provide positive incentives for young people not to get involved in this type of behavior in the first place. Again, I would applaud our President for taking a positive approach. I have some disagreement with some of my other colleagues as to how effective the war on drugs is and how effective just focusing on enforcement or interdiction is. I do not think they have been effective at all. That is why we have got to try this personal approach, personal responsibility, focusing on identifying those people who are vulnerable, especially focusing and identifying people who might make us vulnerable. Airline pilots, doctors, people who our lives are in their hands, they all should be drug tested, but then especially testing young people to make sure their parents can know that there is a challenge and giving an incentive for these young people to say no when they are offered these drugs.

I would join you both in applauding our President and hope that we can stimulate people across this country to look at drug testing as a positive alternative rather than some sort of threat to privacy. The only way it would be a threat, I would say, to civil liberties is if drug testing is mandatory and then we believe that we are going to prosecute young people for using drugs. That would be self-incrimination in my point of view, but I do not think that is what is being advocated here. What is being advocated here is drug testing in order to facilitate some type of outreach program to get someone so they are not using drugs.

Mr. SOUDER. I wanted to reiterate the gentleman's last point. This is a prevention and interdiction tool to help reach people before they become heavy addicts. That is why it is targeted at the schools. There is a body of law that has to be followed. This program will be thrown out in any school that does not follow the body of law. In 1989 and 1990 in the omnibus drug bill, my former boss in the Senate, the junior Senator from Indiana, whose name I guess I cannot say here on the floor, that we had an amendment based off of a high school in West Lafayette, Indiana where the baseball team had an outfielder who got hit on the head with a fly ball. And he was a very good fielder. The question was, how did he miss a fly ball?

A similar thing happened, I think, to the third baseman. In that process, they decided to drug-test their baseball team. They found that one-third were high. So they decided to put in a policy of drug testing on athletes and then cheerleaders. We took that as an allowable use then in the drug-free school bill, in the 1989–1990 bill, and put that in as an allowable use. It was then attempted to be expanded in Texas and a few other States student-wide. The court initially just upheld where there was extra risk in athletics and then as our colleague from Pennsylvania pointed out, it broadened it in a recent court case to go to the next step. But in the legislation it was very explicit.

We also did this in the drug-free workplace. We did it on truck drivers' testing. The test has to be either a total classification or purely random. They cannot say, ''That guy has long hair. I think he's doing drugs. I'm going to test him. I'm not going to test this.'' In a company you need to test the management and the owners, not just the employees. You have to have equitable treatment, including us in Congress should be testing ourselves, even though technically we are exempt from this. If we are going to put it on government employees, we ought to be doing it ourselves in our offices.

The second thing is related to that, the type of tests and how you do the tests are by law required. If you are going to use a urine test, there are standards of how you keep that, how you sort it, how you mark it, that you have a second test so you do not get any false positive with it. Hair tests and follicle tests are much better and harder to mix up. There ought to be a logical appeals process with it. In other words, if you deprive people of their civil liberties in the process of this, even students in loco parentis, you got a problem. But the fact is, if you do it right, it is the best prevention and identification deterrent.

To share one of the stories from my district, I was at a school which was doing it in athletes. I like drug testing, like both of my colleagues, and proposed that it ought to be used more widely. The student body president objected and said this is a violation of my liberties. A couple of other people objected. And then one student got up and said that he had been abusing marijuana, got caught, his life had been going downhill, that that forced him to confront it just like the gentleman from California referred to and said he talked to his parents, got his life straightened around and he believed drug testing would be good.

Then somebody else from the student government objected again and a couple of the other students spoke up. And when we were done, the principal and superintendent came over and said, ''We're implementing school-wide drug testing because every single person who spoke up against it has never had a drug violation or suspected but every one of the kids who spoke up for it had either had a problem or we wondered if they did.'' They were crying out for help, for accountability from adults in a society that does not care. That is another aspect of it. If they think they are going to go to jail, they are not going to speak up, but if they think somebody is going to reach out and love them and help them, I believe, and I believe our policies in the United States need to be focused not on legalizing the behavior, but we recognize that very few actually go to court for one-time marijuana use.

You cannot be our age and have gone through the 60s and the 70s without knowing lots of people who did marijuana, and I do not personally know anybody quite frankly who went to prison for just smoking marijuana. If they went to prison for that, they were probably involved either in multiple parties or dealing or driving somebody or something more extensive. As a practical matter, that is what we are trying to bust. My colleague from California and I have strong disagreements about Colombia policy and some other things, but on this type of thing in prevention and the treatment programs, quite frankly, these treatment programs that take all this money and do not want to measure whether their clientele are abusing when they come out, hey, that is a big problem. I thank my colleagues.

Mr. ROHRABACHER. If the gentleman will yield, as I said, I believe that the interdiction effort and the efforts, punishment, et cetera, have not succeeded. One of the reasons that it has not succeeded in our society, what we have is laws on the books that supposedly make something illegal, yet we have, by our own actions not put a societal stamp of disapproval. In fact, by not having drug testing and by not having, as Ronald Reagan used to say, a Just Say No mandate, or a societal norm that is unaccepting of drug use as personal behavior, what we have done is we have got laws that are unenforced, so officially supposedly it is against the law, but at the same time, the norms of society are accepting drug use. I think that drug testing will make sure that young people know absolutely fully well that society has a stamp of disapproval on drug use. Right now it is very nebulous as to whether or not our society is against people using drugs or not. This would be a clear message to young people, saying that society is so much against it, we are even going to test you and if you are using drugs, we are going to send you through a special program to make sure that you know how harmful this can be, and so there is no question in these young people's minds.

The gentleman is right. Young people are looking out for guidance. Frankly I believe that if you threaten them, and I know we disagree on this, if you threaten them, sometimes it is almost titillating for kids to get around those type of rules where the sheriff comes up and we're going to put you in jail or something. But when you have to say you are not going to get your driver's license if we find out that you have been using drugs, you are not going to graduate, there is no getting around that. That is a real life stamp of disapproval. I think this would be very effective.

Again the gentleman is right on target for congratulating our President and applauding him for making this an emphasis in his State of the Union speech.

Mr. PETERSON of Pennsylvania. I have had young people and other people who were opposed but most of the young people who come in my office support drug testing. They would like to see that down pressure on their friends who are struggling with the decision-making process.

Several years ago I was discussing this issue with a radio commentator on a big city talk radio program. He was making fun of me, according to the people who were listening to the station, prior to me coming on, that we are going to talk to the Congressman that wants our kids to fill a cup with urine and just was kind of making light of it. At the end of that discussion that day after I was off, one of my staff was listening, he said, you know, I was pretty opposed to this idea, but after the discussion, if I had a 12- or 14-year-old boy, and I don't, would I want testing or would I not and he had a long pause and he said, you know, I think the Congressman convinced me. Just the matter of having a discussion.

We have other tests. We have the hair test, which I think is one of the best because it reaches back. If you tested in September, you know the activity for months before, because the hair holds the drug. You have saliva tests, you have sweat tests, of course you have the blood tests, the urine tests. There is lots of testing today. One of the deterrents to schools doing it is the cost, especially in a small rural school district with there is not much extra cash to go around. That is what is so vital about the President's program saying, hey, if you decide, if the parents in your community talk to your administration and say we would like our kids tested and you develop a testing program, we're going to help. That is what this is about. This is not a mandate. I know in my district, I am going to be selling it. The young people want me to sell it. We need to encourage parents and community leaders to encourage school boards to move out and say, let's do everything we can do to make our school drug free. I have superintendents who are there. I have lots of superintendents who are afraid of the issue.

But I have had a couple of superintendents who have said they bring in dog teams, they bring in a drug enforcement officer, they bring in people who tell about the lives of people who got addicted to drugs and how their life was really over. Parents would have the right to veto if they did not want it. That keeps us out of the ACLU and the courts. In my view, I think there are a lot of things we can be doing, and what we are doing it for is the kids.

Joe Paterno is a strong proponent of drug testing. He has been coaching young men for a long, long time. On my very last time with him, as I went to leave the room, he said, Pete, you keep pushing that drug testing. I want to tell you, over my years of coaching, and I have been drug testing for some time, one year I let up and the next spring camp I saw some of my boys back from last year who I suspicioned may have at times been on drugs, and I hadn't tested much that year and I saw more signs, because as a coach he knew, he could tell by watching their play in spring camp whether they had been using drugs or not. I do not know how he told.

He said, I want to tell you, I'll never make that mistake again. I continue to do more and more and more testing because testing works.

Mr. SOUDER. I thank both gentlemen for talking about drug testing. I want to put this a little bit in the context, because that was a critical part of the State of the Union last night to talk about that in particular, but once again as the President said at the front of that section, that, in fact, we have had a reduction in drug use in the United States. That is partly because we have a holistic policy that the drug testing is a key component of the accountability and the measurement.

As both of my colleagues have pointed out as well as myself, but particularly the gentleman from California, it is a stigma part that one of the things, I have been to Colombia now about 10 times and in multiple countries, particularly in the Andean region, where because of our demand, because we cannot control our demand, we are disrupting and overturning democracies that have been there for hundreds of years.

In Colombia, I think it was actually in Ecuador, in Guayaquil, a young student came up to me and said, why do you keep picking on the Andean nations? When I went to school in the United States, I saw no stigma at all. You could get dope in any college, you could get it from anybody. Why don't you put some stigma?

That is partly why I offered the amendment that is a very unpopular amendment but basically says if you get convicted of a drug crime and you are taking money from the taxpayers of the United States you're going to lose your loan. We have had arguments about how that has been interpreted and I do not agree with how it has been interpreted and we are trying to fix that but the bottom line is if you take somebody else's money, you should follow the laws of the United States. We cannot go to Colombia and say stop growing this stuff if we do not do things here like drug testing and that.

In Colombia, interestingly in this past year, we have had the most successful year yet, we are still struggling but we have had the most successful year yet in stabilizing at least large sections of that country. We have, in addition to having sprayed all but some concentrated areas of coca, which is why the attacks are getting so vicious, why we had some Americans shot down, why we have had our planes taking more hits than they ever have because we are not spraying the whole country anymore, we are spraying concentrated areas that are hard to get to and the drug dealers are digging in to fight to keep us from eradicating, but we have had the best spraying year.

One hundred fifty municipalities now have a government presence in them instead of just having the right-wing terrorists come through who originally were trying to protect the towns but were not government units and the left-wing FARC which provides protection for the drug growers fighting with each other, terrorizing the individual people. There is now a government presence since President Uribe took over in 150 municipalities that did not have it. They have had more than 300 projects and 25 departments benefiting displaced persons, rehabilitating child soldiers, providing legitimate employment opportunities. It is part of our Andean initiative to make sure that we do not just spray, we do not just eradicate but what are we doing for the people who are being disrupted because of our habits, our habits and western Europe.

□ 1530

Then the question is if we cannot get it there, we have got to get it in interdiction. Because of pulling a lot of our Coast Guard units in and some of the other things in around Homeland Security, we have had some gaps; but we have been doing reasonably well, particularly on the south border. For example, a couple of DEA busts along with the stigma on LSD, when we can tackle it, much like we are trying to do with meth and OxyContin hopefully too, this is the pattern of emergency room, when somebody comes in, do they mention that they were high on LSD? As we can see, it has dropped from 5,000 in 1999 to 891 in 2002.

In my home area in northeast Indiana, we had a similar drop. We had a jump up in LSD. We battle it hard; we interdict it. The DEA did a major undercover bust with it. We had publicity on attacking LSD, and when we put on the stigma combined with enforcement, it will drop.

Meth is a huge challenge, and it is a growing challenge. Even though all of us see the little labs, I want to make just a brief education point on meth because most Members here, if we ask them what is the fastest-growing category, everybody would say meth, but it is actually still only 8 percent of drug use, and 80 percent of the meth is coming from superlabs in California and Mexico even though we are seeing all these arrests in our district, because the labs we have in Indiana and rural Pennsylvania and others are dangerous and addictive and threatening the kids in those labs, but they are only cooking for themselves and maybe two other people, whereas the superlabs will ship it to thousands of people. California has been the leader in passing child abuse laws; and other States need to emulate that, that if they have a lab, because of the terrible deaths of kids getting exploded by their parents cooking and the dangers of the superlabs, but we need to focus on meth and crystal meth and ice and all the different variations like we had on LSD to get this kind of trend and keep the law enforcement pressure on with the stigma pressure and with an education and prevention pressure.

One other thing. We are doing an OxyContin hearing in Orlando. They have had a series of deaths in that city because of overdoses on OxyContin. It is a difficult issue because they can have legitimate uses. Just like in meth, it is tough to regulate out of Brussels and out of Amsterdam and through Canada because ephedrine is not illegal. It has legal uses too. But the fact is we have to have the courage to stand up to some drug companies that do not want us to talk about the dangers of misuse of some legitimate drugs.

The President last night boldly addressed steroids. We heard, particularly those of us who are baseball fans, some questions being asked about records that were falling; and out of that process we learned more and more that in multiple sports that the success stories were because people were artificially pumping themselves up. As that pressure spread and as we listen to the stories of athletes in junior high and high school, the sad stories of these kids who are afraid they cannot get college scholarships, who are afraid they cannot be pro athletes, who are afraid they cannot advance unless they cheat, unless they alter their body, who are even more vulnerable than the baseball, football, basketball, wrestling, boxing stars who pump themselves up who have millions of dollars to get physician advice, who still destroy their bodies, now imagine being a young person who is still growing, who is filling out, who does not get the medical advice, and is putting their life at risk, not just damaging their body but putting their life at risk. And the President had the courage last night, like the gentleman from Nebraska (Mr. OSBORNE) and others here in this body, to talk about the abuse in athletics and how we have to tackle that. Just like the gentleman from Virginia (Mr. WOLF) and the gentleman from Florida (Mr. MICA) and others have been leaders in trying to raise the issue of OxyContin here and the meth caucus in this Congress to try to address the meth questions, we have to work at the stigma.

One other thing in this general category. If we continue to succeed in the eradication, if we continue to succeed in the interdiction at the borders, if we continue to succeed in arresting the dealers and those who are working with that, if we can up our prevention efforts and if we can put through drug testing and an accountability provision in, we still have to worry about those who are addicted. And the President last night had a couple of references. One is, in drug treatment, he has an expansion of drug treatment. We have been increasing that rapidly here; and we need to continue to do that because, quite frankly, if we do not stop the number of people coming in, we cannot, as Nancy Reagan so eloquently said, win a war just by treating the wounded. At the same time, we still have to treat the wounded. And if we can rehabilitate those who are addicted, we have a major impact on the drug problems in the United States. And the President proposed a faith-based initiative.

But he did one other thing. I support mandatory sentences for certain crimes because I do not like how the legal system is letting certain people off based on how rich they are or what color they are and getting to make up what sentences they have based on their legal representation. There ought to be the same accountability. If one is a dealer, this is what they get. If one is a multiple user, if one is driving somebody to a drug bust, this ought to be their penalty. Our crime reductions in the United States, in the streets of the United States, and 75 to 85 percent of all crime is drug and alcohol related, are because we locked more people up; but our prisons are jammed. Many of those people are now coming out of their sentences, and the question is what are we going to do? They are starting to re-enter our economy. They are going to be back, and if all they learned was to how to be a better criminal, if their kids, who now lost their mom or dad because they were in prison and did not get any help, instead of being able to pull themselves up out of their situation, are now destroyed, we are in deep trouble in society.

One of the other initiatives that the President announced last night was a major initiative to deal with housing kids of prisoners and initiatives in reentry courts. There are a number of programs around the United States ranging from drug courts and looking for accountability of how to get drug courts that Director John Walters is trying to do and to get more patterns with it; but it is an innovative thing with an accountability, with the judge that people are working through. The drug testing is part of that, trying to include faith-based groups that put a religious and friend and volunteer accountability with it. But we also need to look at real problems of people not wanting to hire people when they are coming out of prison, people not yet wanting to let them in their apartment complex when they come out of prison.

The gentleman from Illinois (Mr. DAVIS), who is on our subcommittee and is my colleague from Chicago from the other party, I am cosponsoring his legislation for trying to deal with the housing that often people who are coming out of prison face. The President understood that in addition to the Andean initiative, in addition to boosting the DEA, our critical anti-drug area, in addition to working with Homeland Security to make our borders secure from narco-terrorism and providing drug money to terrorists around the country that we have to do something to help rehabilitate those who have been in prison and we need to help them both

from a personal standpoint, as they deserve it as a human soul, and from a practical standpoint for the rest of us as they are coming out of prison. They have been locked up. Our crime rate has been down. Are we really prepared for the changes we are going to see if we have not invested in those people?

I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I recently visited a prison in my district, a Federal prison; and 80 percent of those there were addicted to a drug. I believe the figure was 60 percent were there because they were selling drugs. That is a huge figure, $35,000 per person to incarcerate people. We certainly can afford to invest in drug treatment and in prevention.

But I wanted to mention the issue of methamphetamine again. The gentleman talked about the big labs in California. I come from a very rural area. There is hardly a month that goes by that in our local community, a small town, the local paper talks of another meth bust, another lab found.

And I want to tell the Members the story of Suzie. Her name is not Suzie, but I want to protect the family. I remember vividly when Suzie moved to our area. She married a person locally who was very successful, a family. She was pleasant. She was attractive. She was smart. And as years rolled by, I had heard that Suzie might have a cocaine problem. I did not know. But I do know this: over a year ago, or maybe it was 2 years ago now, there was a major meth bust in our region, and it was proven that she was one of the kingpins. She was the person who was buying the material, a lot of the material to make methamphetamines, at the hardware store: lye, paint thinners, a lot of chemicals that one would not think have anything to do with ingesting in one's body. In fact, in my region the drug stores have all the Sudafed-type health medicines behind the pharmacy because they do not allow them out there because they are being purchased by people who come in time and time again and get them because that is a main ingredient to make meth. So it shows us the problem is rampant. It took 4 years to get the kingpin. DEA, the State drug team, the local police worked 4 years to get the person. And Suzie was the person who helped them nail him because before they never could get the kingpin. And he is now in prison, I think, for 40 or 45 years. But residue is he has taught so many people how to make high-quality meth that we remain a meth production area. And the police tell me they just do not know how to get their arms around it because every time they turn around, they hear another lead, they go check, they find another meth lab. I mean, they are everywhere.

So that is a story of a destroyed life. The final page on Suzie is I got to know her pretty well because she was volunteering in the nursing homes and the personal care homes and my mother was there, and she was always very nice to my mother and we talked a bit. And I always wanted to sit down with her and talk with her about how it happened because she was going out also speaking to school groups. Several months ago on a Sunday morning, after friends had talked to her on Saturday night and she was in good spirits, she was found hanging in an old pump house in the woods, dead. Suzie lost her life because we heard, the kingpin said, and I do not know if they can ever prove it, but the kingpin said she will not live long. Suzie did not live long. She was a person in her late 40s. She was a mature woman. She was attractive. She was smart. But she got hooked on drugs. And if a person her age can get hooked, how vulnerable are our eighth, ninth and tenth graders as they are still growing and working to become adults? And that is why drug testing is so important. It is about protecting kids, not about penalizing kids.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for his comments, and this is not a matter of condemning Americans. It is a matter of trying to develop a fully holistic policy to try to reduce drug and alcohol abuse. The fact is the President of the United States in his amazing address last night again acknowledged he overcame his addiction, or at least overuse of alcohol. One of my favorite commentators, Rush Limbaugh, had to battle with an addiction with OxyContin. Clearly, it strikes all types of people. It is not just the stereotypical people. And we need to reach out to people who are hurting and try to help them recover. We need to make sure that part of that is eliminating the temptation as much as possible, trying to keep the prices high enough, the supply low enough. We need to try to make sure there is an accountability on the dealers and those who are using it so they know if they want public money, whether it is if they are going to a public school, that there is going to be an accountability and somebody watching them for their own good and that there is also going to be help there in treatment and follow-up if they need it. Does the gentleman from California want to make a comment?

Mr. ROHRABACHER. Mr. Speaker, I do have some disagreements with the gentleman as to the best way to attack this problem, but I certainly agree that we should make sure that young people understand just how serious the problem is for them and that there would be no greater method of telling them and putting a stamp of disapproval on it than making sure they have to have a drug test.

But the gentleman referred to on the chart there some of the decrease in drug use that we have had over the last 2 years, and I think that a lot of that can be attributed also to a stamp of disapproval that the young people understand that our society has given just in the last few years. In the last administration, I think that it could be accurately said that people who were out fighting this problem were faced by an administration that trivialized the use of drugs as to what kind of threat it was when the President talked about not inhaling and such. And some of us who have had pretty wild youths in our time looked at that and said this man is not being serious, and the young people looked at the President and said this is not being serious, and our administration's seriousness on this has had a lot to do with the reduction in the use of drugs.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, last night the President highlighted the success of our Nation's drug strategy. I applaud the President for the success of his strategy and for highlighting this issue in the State of the Union Address. Across the Nation, the latest study found there has been an 11-percent decline in drug use by 8th, 10th, and 12th grade students over the past 2 years. This finding translates into 400,000 fewer teens using drugs and is the first real decline nationally in 12 years. Our own local survey done by the Coalition for a Drug-Free Greater Cincinnati has shown similar results over the past 3 or 4 years. This is very encouraging news for parents, teenagers, teachers and everyone else who cares about the welfare of kids.

As the President mentioned last night, community involvement is critical to successful drug prevention. Community coalitions are the heart and soul of drug prevention and community action on this important topic. Coalitions help all of us to come together—parents, teachers, coaches, religious leaders, volunteers, law enforcement—to encourage youth to understand that any drug use is not only unacceptable but harmful. Having fewer youths use drugs is important because we know that if young people can abstain from drugs before they graduate from high school, they are much less likely to have drug problems later.

The Drug-Free Communities Act is an essential tool that many of our communities utilize to fight illegal drug abuse. Instead of creating new Federal bureaucracies, this program sends Federal money directly to local coalitions working to reduce the demand for drugs through effective education and prevention. Community coalitions are groups of citizens—parents, youths, business, media, law enforcement, religious organizations, civic groups, health care professionals, and others—who are working on local initiatives to reduce and prevent substance abuse. These coalitions are engaged in a wide variety of activities and strategies specifically tailored to the needs of their communities.

We know that coalitions are making a difference. Due go the great work of the Coalition for Drug-Free Greater Cincinnati, there was a 41-percent decrease in marijuana use and 23-percent decrease in alcohol use among 7th graders from 1993 to 2000. In a similar region where a coalition did not exist, there was a 33-percent increase in marijuana use and no change in alcohol use. The coalition, which I founded 8 years ago, is a comprehensive, long-term effort to mobilize every sector of the Greater Cincinnati community to take an active role in preventing substance abuse. It brings local community organizations

together with business leaders, parents, teens, clergy, law enforcement, and school officials to implement antidrug initiatives, and has become a model for dozens of communities nationwide. I know that there are similar coalitions in more than 5,000 communities nationwide doing this good work and they need our support.

The positive results highlighted today indicate that prevention tools like community coalitions work to create safe neighborhoods and a better future for our young people.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Indiana?

There was no objection.

□ 1545

PROVIDING HEALTH CARE FOR ILLEGAL ALIENS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I would like to commend my colleagues for that last special order, for the way that we are going to make sure that the young people in this country understand that drugs pose a threat to them is to have just this type of presentation in Congress and this type of discussion, serious discussion, with them as to the threat that drugs pose to their well-being.

With that, however, I would like to now, in my hour, raise a discussion on another issue that I believe is perhaps the most serious threat to the well-being of the American people. I have introduced a bill today that will give my colleagues a stark choice. They can do what will help big business, but will, at the same time, do great damage to the American people as a whole; or they can support the legislation that I am proposing, which will be a big step toward eliminating the greatest threat to the well-being of the American people.

Drugs is certainly a threat, but I will tell you that I believe the greatest threat to the American people as we stand here today is the still uncontrolled flood of illegal immigration into our society. All the other problems that we have, including drug use in our own country, are exacerbated by this uncontrolled flow of illegal immigrants into the United States of America. If we do not get control of this, it will surely destroy our country as we know it in the years ahead.

Yes, we can absorb legal immigrants in a fairly high number. I am proud that we have a little more than 1 million legal immigrants coming into our country every year, one-half of one percent of growth or so of our population. Certainly we can absorb that kind of immigration flow. But what we have had in these last 15 years, and especially in the last 10 years, is a massive increase in the flow of illegal immigrants into our country.

Perhaps it can be traced back to the 1986 amnesty bill that passed through this Congress and was signed into law, unfortunately, by my President, President Ronald Reagan. That bill was hard-fought on this House floor, and I understand that my colleague, Mr. Dan Lundgren, is the father of that portion of the bill that insisted on amnesty for those illegal immigrants that were already in the country.

Once that amnesty took place, once this legislation was passed in 1986, the word went out throughout the whole world that if you get to the United States, you are going to get the benefits of the people of the United States, and you can outwait the American people because we have such good hearts that there will be another amnesty, and yet another. The flow of illegal immigration after 1986, instead of decreasing, dramatically increased. Surprise, surprise.

No, the people who passed that need to take responsibility for their actions. That piece of legislation has caused great damage to us. In California, our schools, the education system, is under incredible pressure. Our criminal justice system is almost breaking down under the weight of illegal immigrants, with 30 and 40 percent of those who are held in incarceration at times being illegal immigrants. Our healthcare system, our emergency rooms are breaking down under the pressure and the strain of illegal immigrants. And that is what leads me to the legislation which I introduced today.

This legislation that I introduced today flows directly from a confrontation that I had with the leaders of this body over whether a provision should have been included in the Medicare reform bill that provided $1 billion in order to pay for the emergency healthcare for illegal immigrants in those States where illegal immigration is most prevalent.

I opposed that and I was not going to vote for the Medicare bill because of that, but the leadership in the House agreed that if I would vote for the Medicare bill, that I could write legislation that would, in some way, mitigate the damage that I felt was inherent in providing U.S. tax dollars officially to pay for services, health services, for people who have come to this country or are currently in this country illegally.

I voted for the Medicare bill. I voted for it before it went to the Senate. When it came back from the Senate I only voted for it with this understanding. So today the bill that I place into the hopper is in direct relationship to the Medicare bill that passed through this House, that, yes, indeed, took care of the prescription drug needs of many of our seniors, but, at the same time, did include an extraneous provision for providing $1 billion in healthcare for illegal immigrants.

With that, I would say that the hospitals and emergency rooms on our Nation's borders, especially those in California, are certainly now going broke trying to treat illegal aliens who are streaming into their facilities. And there is no doubt about this pressure. There is no doubt about the horrible impact that it is having.

But the reasons are twofold for the pressure on these hospitals and emergency rooms. Illegal aliens, first of all, normally, or at least quite often, if not normally, we do not have the exact statistics because they are operating in a black area of our society, we do not know all of the statistics about what illegal aliens have or do not have, we assume they are normally working at jobs with no healthcare benefits. Couple that with the fact that Congress insists and the law now insists that hospital emergency rooms treat every patient who walks through those doors of their emergency room, that they must be treated according to law.

America, with those two realities facing us, number one, that people who come here illegally generally are working at jobs without healthcare benefits, meaning the people who run the businesses do not provide them healthcare, but the taxpayers end up providing the health care, coupled with the fact that the emergency rooms feel that they are required by law to take care of anyone who walks through the door, what we have done is created a situation where America has now become the HMO to the whole world.

We are taking care of illegal immigrants, any illegal immigrant, who can get to our country and get to that emergency room. Sometimes we are not talking about just emergency treatment, about what common sense would tell us is emergency treatment; we are talking about extended cancer treatments, we are talking about treatments for diseases that are congenital, we are talking about diseases that someone clearly had when they came to the United States. We are talking about diseases that require hundreds of thousands of dollars, and sometimes even up to $1 million, in treatment.

With this Medicare bill that we provided, $1 billion for the emergency healthcare for illegal immigrants, that is the first time any money has been spent to provide services for illegal immigrants in our country, so this is a watershed. This is that moment.

In doing that, did that same bill try to fix the situation by enforcing our immigration laws on the border and insisting that these immigration laws be enforced if we provide that $1 billion? No, that was not in the bill. Did Congress try to fix the situation by saying that emergency rooms can turn away

patients who are not in immediate danger of dying? To me that seems what an emergency is. An emergency is if someone is in immediate danger of dying, or if they are in immediate danger of something happening that will at that moment create a circumstance in their life or create something that is irreversible, a health reality in their life that is irreversible.

But, no, we did not put any restrictions on the emergency care rooms turning away patients because they really were not in emergencies, or just treating a case to a small degree until those people could go back to their own countries and get the rest of the treatment needed to become well. No, none of this was included in that Medicare bill. But $1 billion was.

The bill included no provisions to lower the cost of caring for illegal aliens by enforcing the law and deporting them. After all, if the taxpayers and the American people are going to end up paying for the healthcare of someone who has come into this country illegally, just ignored our laws or thumbed their noses at our laws, and now they are in need of some health treatment and they come to us asking us to take money out of our pocket, those people, if they are here illegally, after they are treated, at the very least, they should be deported.

That was not in that legislation either. The bill added $1 billion of funding for the healthcare of illegal aliens and did not even ask the hospitals to identify the illegal aliens they are treating, to identify them so that INS could deport them or take some action against them for being in our country illegally.

It did not do any of those things. What it did do is begin the process of shoveling tax dollars in the direction of providing services, officially providing services for people who are in this country illegally.

I will tell you now, there is no one in this body that does not know and understand that a $1 billion program like this starting off, just opening the door, is going to end up being a $50 billion program 10 years down the line. So it is time for us to act right now, before this $1 billion becomes $4 billion, which then becomes $10 billion, which then becomes $20 billion. It is time for us to use this moment, this opportunity, with the passage of the Medicare bill, to support legislation in the Congress that will at least be a first big step toward trying to see if we can get this illegal immigration issue under control, at least in the area of healthcare.

What I am proposing is very simple. The legislation that I just dropped into the hopper is not so complicated that people cannot understand it. First of all, it is totally voluntary. A hospital that does not want to receive Federal money under the program in that Medicare bill does not have to participate in this. So that is the first principle.

I would prefer that we make it mandatory, but this legislation is going way over to the other side in order to reach out and make this reasonable by saying if you are not going to get the Federal money for the illegals, if you are not going to apply for that, then what is required in this bill will not be required of you. But for the hospitals who do want that Federal funding, the bill is very easy to understand for these hospitals that want that Federal funding.

The hospital needs to ask patients if they are a citizen of the United States. How about that? How about that? They are going to have to ask, when they ask all those other questions when you go into that emergency room, they just have to ask are you a citizen of the United States? If the patient says yes, no further action is required of the hospital in terms of verifying whether that person is a citizen.

By the way, others can follow up on that. Others can follow up later to see if this person is or is not a citizen.

But if the patient says no, and he or she is not a citizen, the hospital then is required to ask what country the patient is from and what is their immigration status. If the patient is a documented alien, meaning that patient is here legally and is a legal immigrant, nothing needs more to be done, because nothing that I am proposing and our outrage about illegal immigration is not in any way an attack on legal immigrants. People who have come to this country legally have every right of every other citizen, and I know a lot of people now are trying to blur the difference between illegals and legals. That is doing a great disservice to the legal immigrants in our country. Most legal immigrants, I might add, are outraged by illegal immigration and by the fact that we provide services to illegal immigrants.

□ 1600

In fact, sometimes the legal immigrants and U.S. citizens end up having less bestowed upon them by our government than do the illegal immigrants. A U.S. citizen, for example, has to pay outside tuition in California to go to a junior college, but an illegal immigrant does not have to pay outside tuition. That was something that was passed by the California legislature.

If the alien is illegal, once he comes into the hospital, going back to this emergency room treatment, if the alien is illegal, the hospital must ask about the immigrant's employer and a biometric indicator, meaning a photo or a fingerprint, must be taken, to be determined by the Department of Homeland Security of whether it should be a thumb print or a picture; but that is what they have to do if this person who comes into the emergency room is an illegal immigrant and states for the record that he is an illegal immigrant. So we need to know who they are working for, and we need to know exactly what country they came from and get a fingerprint or a picture.

The hospital then uploads this information into a database that is now being set up by the Department of Health and Human Services and, of course, the Department of Homeland Security. Thus the information that we have collected will become available to the Department of Homeland Security and these other government agencies for national security purposes and, yes, for the purposes of immigration enforcement. There is nothing that would suggest that that information could not be used to immediately begin deportation proceedings against an illegal immigrant who is coming into our hospitals to get thousands of dollars, if not tens of thousands, if not hundreds of thousands of dollars of free medical care from the taxpayers of the United States.

Thus we have the information available that is not now available if my bill passes. And at that point, I would hope that our Immigration and Naturalization Service and this administration and the people of the United States begin to demand that people who are in this country illegally be deported, especially if they have used tens of thousands and millions of dollars of public services like health care while they are here, because what they have done is taken that money directly from the well-being of the American people, their host.

This is wrong. It is wrong for us to permit our health care dollars that our seniors do not even get the type of coverage that we would like them to have, our veterans do not get the coverage we would like them to have; but yet we permit illegal immigrants to come into our emergency rooms, and without even any responsibility to be deported because they have come here illegally, they end up, oftentimes consuming, as I say, tens of thousands to hundreds of thousands of dollars of treatment.

This procedure of just asking are they legal or illegal and if they are illegal, getting this information, is not a burden on the hospital. It is just a couple of more questions to be asked routinely in the process in which they are already being asked questions before they treat patients. Once the hospital determines that a patient is undocumented, they take a simple fingerprint or a photo and then they just upload this information onto a government database. That is it. This is not a complicated process, although we are going to hear in the months ahead how horribly complicated it is and how people will have to wait there for hours to be treated and they will die by the thousands if they are just asked to do those two simple little tasks, along with the other questions that they ask people when they go into an emergency room.

Well, so far, my bill, what I am talking about, is very simple for the hospitals to comply with. But let me note there are some other significant provisions of this bill. The first is, the Department of Homeland Security, when it gets this information, the bill does

suggest that they should begin deportation proceedings. And as I say, that will only happen if we make sure, because it is already on the books that someone who is here illegally, there should be deportation proceedings, but that law is not being enforced. We add this to the law again, and we hope and we pray that those people who are in decision-making positions in our government will start enforcing the law or change the law. But the way it is now, to permit this massive flow of illegal immigration into our country and the flagrant violation of the law that is going on, it degrades the respect for the law throughout our society.

So this is only common sense, that if we know that an illegal alien is in the United States, especially one that is consuming resources that are taking health care resources away from our people, they should be deported; and their own country should be taking care of them.

Secondly, and this is a provision of the bill, any employer, when they find out who the employer is, that is one of the questions they have to ask. Any employer who has not called the employment verification program, and again, this is going to be a nationwide program that will be in place in 2005, a program that will verify an employee's legal status, if any employer whose employee has gone into the emergency room and been treated and thus consumed all sorts of tens of thousands, if not hundreds of thousands, of dollars, then if we find out that the employer has not called the employment verification program when he hired this illegal in the first place, well then, that employer will be liable for the illegal alien's emergency room costs.

We have businessmen who now exploit illegal aliens in order to give them a pittance of pay and no benefits. These employers, if they are not giving them benefits, they expect the taxpayers to pick up the health care costs. I am sorry, under this bill that is going to go back to the employers. The employers, if they are going to get the benefit of using these illegals, they are going to have to pay at least for their health care and not expect the U.S. citizens, their fellow U.S. citizens to pick up the cost, their cost of hiring this employee. So this is only fair.

Employers claim that American citizens, of course, will not take the jobs that illegal immigrants take. But of course they will not take the jobs, especially if employers are not going to provide health insurance. If you are not providing health insurance, it is pretty hard to attract qualified American job seekers, and no businesses will be providing health care insurance for Americans if they can hire illegals and the taxpayers end up picking up their health care costs. This has been an incentive, illegal immigration has been an incentive for less wages and for less benefits, for the fact that a lot of employers do not offer health care anymore; and that can be tied directly back to the fact that we have a flow of millions and millions of illegals who are willing to work without health care benefits; and, of course, everybody is relying on the taxpayers just to pick up the bill. This lack of health insurance ends up putting the burden of an illegal alien's health care on the shoulders of the American taxpayer. That is wrong and we have to change that. This bill will change that.

I might add that this provision will initiate an eruption of opposition to this bill specifically for that, because we have had big business in this country who has gotten used to having the taxpayers pick up the health care costs that they should be providing their own employees, and they have been able to attract employees by hiring illegal immigrants. It keeps down wages and keeps down benefits.

Employers should pay the full cost for the illegal alien labor that they hire, including health care costs of illegal aliens that they run up in emergency rooms. And this is not, I would say, a huge burden on employers, although they are going to claim this. All we are talking about is that when an illegal alien or someone comes to them, whether it is apparent they are an illegal alien or not, comes to them for employment, that one of the things they do when filling out the paperwork for this new employee is call one phone number, one phone call to a Federal agency, make one check on the name of this potential employee, and if they do that and check and find out that this person is here legally, they have indemnified themselves from this liability and they will not have to then pay for that emergency room care. But if they do not even make that one phone call, why should we taxpayers pick up the bill? These employers obviously are trying not to verify that someone they are hiring is illegal, and then they are not giving them health care and we pick up the costs. Where does that come from? Right out of the same pot of money that takes care of our seniors, our own veterans, our own women and children in the United States of America. There is a limited amount of health care dollars. We should be spending it on our legal residents, whether they are legal immigrants and/or U.S. citizens.

So, anyway, I do not see how any employer can possibly object to just taking one step, a very quick step, to see if their future employee is here legally or not.

Third in the bill, and this is a very important factor in this bill, this bill does something that is important to the whole formula in that it limits the emergency care that a hospital is required to give. Because right now what we have is an illegal alien comes in, any type of health care that is required that is an emergency, that is deemed to be an emergency, we end up giving extensive health care way beyond just someone's life or death situation or someone's situation where their health status would be altered forever if a treatment is not given at that moment. No. We go way beyond that so often. What we suggest is the hospital is required to give just the care that is required to medically stabilize the illegal alien's condition, and it would stabilize them to the point that they can be deported back to their home country.

Now, we have seen, as I just said, we have seen illegal aliens obtaining organ transplants, advanced cancer treatments. There was a fellow in my district from El Salvador, it must have been about 10 years ago now, and this man had had $300,000 worth of cancer treatments. He was not a citizen; he was not even a legal immigrant. He was an illegal immigrant, and we had spent $300,000 on this man. That is a crime. If someone goes in and steals $100 from a grocery store, they are going to go to jail. Yet we permit people to illegally come into this country and take hundreds of thousands of dollars of treatment. The American taxpayer, as I say, cannot be the world's HMO. It is going to break us. It is already affecting the health care available to our own citizens in a very detrimental way.

Again, let me repeat: the American taxpayer cannot be the world's HMO. An illegal alien should be transported back to his or her country to receive any extraordinary care. Emergency care should only be for the temporary emergency where life is threatened at that moment. It is emphatically the responsibility of the illegal alien's own country to care for him; it is not the responsibility of the taxpayers of the United States or the Treasury of the United States Government. The foreign countries who our illegal aliens are coming from need to take care of their own citizens, not export their problem to the United States.

Let us note now for the record there are many, many incidences of people coming here specifically to get health care treatments. They come here and they are on a visa or something like that. That has got to stop, and especially if they have come here illegally and expect to get those same kinds of health care treatments. It is wrong. We should not do that, and it is hurting the well-being of our people.

Now, we are going to hear about how mean spirited it is to enforce our immigration laws and how mean spirited this proposal is. This bill will probably just generate the most incredible opposition and people pulling their hair out and saying how horrible we are. The motive behind this bill is a positive motive, and there is nothing wrong with loving your family and taking care of your family and taking care of the citizens of the United States and those people who are here legally. There is nothing wrong with having that motive.

□ 1615

But our motives will be attacked as if we hate other people from other

countries. And they will try to blur the difference between illegal immigrants and legal immigrants. No, this bill is motivated out of love. And certainly and there is nothing wrong with anyone taking care of his family rather than giving money away to the point that his own family's health is not being taken care of.

And the fact is that some people are saying now, well, we cannot afford not to have these illegals around because we are used to cheap labor, as if cheap labor is something that is good for the American people. Well, as health care costs show, that labor really is not all that cheap when you include all the costs.

Illegal immigrant labor, there are lots of costs related to it that we are picking up as taxpayers that the businessman does not have to shoulder. Big business has shown that they are not interested in paying American wages and giving benefits to their workers if they can get away with hiring illegals who will work for lower wages. What big business wants is a huge pool of international labor so that corporations can force down wages.

Illegal immigration is having a horrible impact on all these government services that I am talking about, especially the health care. The legislation that I introduced today specifically deals with that. But let us note that the wages of all Americans are being affected and the benefits being offered to all Americans by their employers are being an affected by illegal immigration. American workers, no matter how competitive, cannot compete with Chinese slave labor or a Nigerian standard of living.

Huge corporations then are using the poor and desperate of the world because we are not enforcing our immigration laws to force the American middle-class to accept poverty as a price of holding a job. Well, we hear time and time again, well, Americans will not work for these lowly paid jobs. Well, that is nonsense. There are no jobs that Americans will not do. There are no jobs. I can repeat that. There is no job that an American will not do but there are lots of jobs that Americans will not do at the wages that are being offered for those jobs.

The answer to the labor shortage is not to import poor people from Bangladesh or to permit a flood of illegal immigrants into our country, but instead to raise the wages and benefits of the U.S. working people. We have a lot of people in this country who can work who are not going to work at those wages certainly because those are poverty wages. We have got a lot of businesses who will hire illegals now rather than hiring a person who is disabled and training that disabled American, that disabled veteran, perhaps, to do a job that can be beneficial to the country and he or she can earn his or her own way but the business will not do it. Instead they will they will hire an illegal immigrant who will work for half the price and does not require any special training because of a disability. And then if there is a disability on the job, the employer just waves good-bye and the taxpayers pick up all the costs.

The National Research Council in 1997 did a study showing immigration was responsible for a 44 percent drop in the wages for our people in the United States who were high school dropouts. Look, I do not like that some of our people are high school dropouts. I am sorry some of our people are at that lower end of the income level. But those are the people who are being hurt the most by illegal immigration.

The average immigrant has less than a high school education and so this makes perfect sense. It is Economics 101. If you increase the labor supply at that level where you have illegal immigrants coming in here who have less than a high school education and they are competing with our people who have less than a high school education, or are less educated people at the lower income of our country, guess what? If you increase the supply of that those people coming in, the wages will drop for those people who are already here, meaning our own people, legal immigrants and American citizens.

This has meant misery in many blue collar households who actually in this last 15 years since this 1986 amnesty they have seen their wages drop and their standard of living decrease because we have been insisting on importing uneducated illegal immigrants, or at least insisting that the flood of illegal immigrants coming into our country not be stopped. This has hurt millions of our own people, people who maybe now have been working at a higher standard of living but are not now working at a higher standard of living because illegals have taken that job at a lower wage and kept the wages down.

A good example of that is perhaps in my own case. When I was younger I worked as a janitor. The people who work as janitors today have perhaps the same income about the same level of income as I had when I worked as a janitor 30 years ago. I guess it might have been more than 30 years ago now, more like 40 years ago. Well, guess what? We have had an enormous increase in our standard of living in the GNP in those 40 years. Why should janitors not be making more money? Well, I will tell you why. Because if they would have not had a flood of illegal immigrants, you would have had machines and technology that would have been developed making that janitor much more efficient. Maybe he could clean 30 toilets or 100 toilets a night instead of 15 or 20. And that man could or woman could have been paid more money as a janitor. But instead what we have hired is illegals. And there has been no technology development that would make up for that.

And thus we have kept the wages of janitors down, those janitors should be American citizens earning a wage that would permit them to buy their own home, or at least to live at a decent standard of living. Instead we have a flood of illegals in and those people are not living well now because they are having to compete with people who have come here, the poorest of the poor from everywhere. That is not fair to the American people who shoulder the burdens of freedom all over the world and shoulder the burdens of keeping our country the way it is. And they are hurting because of this flow of illegal immigration. The same National Research Council showed that the average immigrant household in California used $3,463 in taxpayer services. That is back in 1997.

If you were looking for why California has such a huge deficit, that is, and have a deficit bigger than all other 50 states combined, illegal immigration is probably the answer. This taxpayer funded largesse includes in California health care, education, police services.

And let us talk a little bit about the cost for each of these services. The American Hospital Association reported that its member facilities provided $21 billion in uncompensated health care services last year. Since illegal aliens accounted for 43 percent of those without health insurance in the country, we can assume that at least $9 billion of that total is attributable to illegal aliens. $9 billion. That is what business is calling cheap labor? This is cheap labor, $9 billion of costs added on to the American taxpayers?

All along the border from Texas to California dozens of hospitals have closed their emergency rooms because they can no longer survive the financial hemorrhaging caused by giving free health care to illegals. And do not underestimate the drawing power of free care. This brings people across our borders. Remember Jessica Santillian, an illegal alien who died after receiving not one but two heart transplants and a lung transplant in North Carolina. The Santillian family paid $5,000 to be smuggled across the border to get care knowing that it would take years to get any type of operation at all if they stayed in Mexico. There are American citizens who desperately need organs. They are being knocked out of line by a family and by families who break our law.

Then many of these families are coming here specifically to obtain a transplant or to obtain some sort of sophisticated health operation. This is a crime against our own citizens when we let that happen. It is not that we do not like that poor family in Mexico but we need to make sure that we keep the promise to our own citizens first before we expend our resources to those who have come here illegally from another country. And then, of course, the other country does not have the incentive to use their resources to build up their health care for their own people.

What about the children of illegal aliens? The total K–12 school expenditure for illegal immigrants cost the

States $7.4 billion annually. That is enough to buy a computer for every American student, America's junior high schools.

Are you worried about school overcrowding? Hear anybody talk about overcrowding? You hear about that all the time. If the left wing teachers unions were not so allied with this cause of the illegal immigrants, we would find out exactly what is causing the crowding.

Let me note this, and this is a very incredible statement, without school-age illegal immigrants, the children that we are talking about, the children of illegal immigrants, school enrollment would not have risen at all during the past decade. Let me repeat that. School enrollment would have remained flat if it was not for unrestricted illegal immigration into our country.

So when one hears them talking about crowded schools, the answer is not to just spend more and more resources taking it away, again, from the other things that we need in our society in order to provide this service for illegal immigrants which then attracts even more illegal immigrants who care about their families and want their families to get this same largesse so they come here in even greater numbers.

But by far, the most disturbing is the impact illegal immigration is having on crime in California. In Los Angeles, 95 percent of all outstanding warrants for homicide involve illegal aliens. Do you get that? In Los Angeles, 95 percent of all outstanding warrants for homicide involve illegal aliens. And up to two-thirds of all fugitive felony warrants are for illegal aliens. Illegal aliens commit crimes in the United States and then they flee the country.

Oh, as an aside, in California we have a particular problem, some of those flee to Mexico. And even when the criminal alien is known and their whereabouts are known to Mexico, the Mexican courts refuse to extradite them. By far the most outrageous case was that of David March, a Los Angeles County sheriff who was gunned down by an illegal alien who fled to Mexico and then only to have Mexico refuse to extradite a man who had blatantly murdered a police officer in California.

Almost 30 percent of Federal prisoners are now foreign born; 36 percent of illegal alien criminals are released from Federal prison; 36 percent of illegal alien criminals were released from Federal and several state prisons with no deportation review. You get this? Thirty-six percent of those illegal aliens in our prisons and jails get out with no review as if they should be deported. But yet they are here illegally; 80 of these illegal alien criminals have been arrested for new crimes.

Now, stop for just a minute and think about this: It is not just the cost of incarcerating illegal aliens, expensive as that is, which is $22,500 a year, for hundreds of thousands of illegal aliens. What is the cost to the American taxpayer of all of this? That $22,000, yeah, that is to the taxpayer, but what about their theft of property? What about the murders, the rapes and the assaults perpetrated by these criminals who come here illegally? And our government is so ineffective and so captive to corporate interests that we have permitted this massive flow of illegal immigration that is keeping down the wages of our people and is resulting in hardship and resulting in people suffering throughout our country. We do not even deport these criminals. When they are criminals we do not deport them when they get out of jail. These are not simple illegal aliens looking for a better life when they get out of jail, these are hardened criminals, many of them with ties to vicious drug gangs and violent criminal cartels and they are not deported? What is going on here?

And our system, rather than allowing a swift and certain deportation, in many cases simply released these predators into the American population so they can rub elbows with our families at the movie theater.

My friends, there is nothing conservative about a policy that has permitted this type of illegal immigration into our society with these horrific consequences to the American people.

But even more worrying are the implications in our war against terror. Several drug cartels are getting into the illegal alien smuggling business. The cartels will help smuggle anyone into the United States who pays. These vicious organizations have no hesitation about smuggling terrorists into the United States. And once in the United States, terrorists simply disappear into the huge sea of other illegal aliens.

□ 1630

Do we need this cheap labor that we are talking about? Is it really cheap labor?

I am telling you that the cost is too high. The price of overcrowding of schools, the price of collapsing emergency rooms, the rise of vicious crimes in our society, the holding down of the wages of our people, our working people, this is wrong. This is a price that we are paying. Our people should not be forced to pay this price simply because our government is not enforcing the law. But more importantly, is the United States willing to go the way of South America?

What kind of country are we producing when we permit millions of people to flood into our country every year? What is going to happen? And we keep wages down for our own people. We are creating a society with a wealthy privileged few on top and a huge class underneath who are barely surviving? Why are we doing this? Why are we permitting our country to be restructured where we have opportunity for all and our systems are working that can provide health and services and education services to our people? Why are we doing that?

Because America's big companies want a huge pool of cheap labor to drive down American labor costs to the level of China and Latin America and because the left wing of the Democratic Party wants to use illegal immigrants as a weapon for political power. That is it. The unholy alliance between the left wing of the Democratic Party and the big business wing of the Republican Party. I am sorry. That is clear.

Those of us who represent neither of those groups should start getting together and making sure we solve this problem.

These corporations that I am talking about have no stake in this country. Many of these great big corporations want to keep our labor. They go overseas the first time they can. They end up investing in Communist China, the world's worst human rights abuser. They are setting up factories in Vietnam. Then they insult our intelligence as well by asking us to give them an export-import bank guarantee on their loans so that when they set up these manufacturing companies overseas, the taxpayers will guarantee them. So they can set up the manufacturing there and use the cheap labor in order to put our people out of business. Our people get out of those manufacturing jobs and what happens? They end up competing with guess what here at home? A flood of illegal immigrants who are willing to do their job cheaper and they end up being unemployed.

What heartache, what misery this causes so many families in the United States of America. We are talking about alcoholism and drug use and family abuse. This is caused by the type of tensions by people who cannot get the jobs that their fathers and mothers had years ago, and they cannot be expected now to ever buy a new home or a new car. They are always worried a tire might go out because they cannot afford to fix the tire.

This is what we have relegated half of the American people to. It is wrong. Now do not get me wrong. I am for capitalism. I am for free enterprise. I am actually for free trade in a way because I believe in free trade between free people. I do not think our government should be promoting free trade and subsidizing our people going overseas to any country. Certainly, we should not be talking about developing the economies of China and other dictatorships; but I do not see anything wrong in trading with Australia and other free countries.

Also, this is not capitalism that we are talking about. I am for free trade and I am for free enterprise, but free enterprise does not mean that you artificially import labor into your country to keep labor costs low. That is ridiculous; that is not part of the free enterprise system.

The working people of this country are willing to fight and die to preserve the freedom of this country in order to

be confronted with the idea that their wages are going to be kept down by a flood of illegals coming into our country and an unwillingness to enforce the immigration laws. That is absolutely wrong. That is absolutely wrong.

Democracies cannot survive without an educated middle class. And illegal immigration is destroying the viability of the American middle class. Our Founding Fathers envisioned a middle class of small tradesmen, of farmers who would have an education and the ability to govern themselves and to be independent factors in our economy. In fact, as we have seen over and over, a huge mass of desperate and poor and poorly educated people will quite often turn to the siren song of communism under certain circumstances like that where there is no hope.

We are creating an underclass in America, a permanent underclass of illegals and of our own people. These people, when they get desperate, they listen to the rantings and raving of communism or the bellicose musings of fascism. Democracy is based on a well-educated and prosperous middle class. It has been America's greatest strength. To preserve this Republic, to protect the American middle class, we must stop the importation of cheap labor. We must stop the fact that we have a massive flow of illegals into this country. We keep the wages down and distort the progress that would be coming to the people on the lower levels of our economic tier here in our country.

Instead, the people in the lower levels of our economy are not rising. Their incomes are going down. Their expectations are going down. Their frustrations are going up. And they do not know why, but they do know that all the jobs are taken by people who are working for dirt wages and that their fathers had better jobs at better pay that were meaningful jobs.

Now, where do we start to turn this around? We can start by getting control of the health care that we provide those who come into this country illegally. At the very least let us stop right now. We have started a program, the first time that our country is spending any money officially to provide a service for people who are here illegally. That Medicare bill provides $1 billion for illegal alien health care services. It will be $50 billion 10 years from now if we do not do anything about it.

So let us do something about it now. Let us start turning the situation around now by focusing on this legislation that I drop today that will mitigate any bad impact of providing this billion dollars for emergency health care for illegals by making sure that we have these provisions, these provisions that will see that they are identified, their employers, identified, that a deportation proceeding moves forward if they are treated, and that the amount of treatment that they can receive when they are here illegally is limited to a life-threatening situation rather than providing extensive care for diseases that are not a crisis at that moment. We can start turning it around right now.

I would urge my colleagues to join me in this vital legislation to limit the health care to illegal aliens so that we can have that money available to the American people. I am going to be vilified for this. I know that. I had all sorts of press calls and everything after the leadership made the agreement with me to have this bill come to the floor. I know I am going to be vilified. I know people are going to say I am a mean, nasty person and that I do not care and that I am a racist or something like that. I am not and I have love in my heart for everybody.

I know that even the people who come here illegally are wonderful people, 90 percent of them are wonderful people. They just want to increase their own standard of living, a way to treat their family decently. But we cannot do this for the entire world. We cannot expect to see our own people suffer and to try to equalize them to every poor person in the world, and this will bring more and more people here. And if we care and we have love for our families, having love for your family and having love for the legal immigrants and the legal U.S. citizens that are here, that love for those people does not mean you hate someone else. That means you care for your family and you will take care of them first. That is what care means.

So I would ask the people who are reading this in the CONGRESSIONAL RECORD and my colleagues to look at this legislation. Let us turn the situation around now. Let us speak out. Let us make sure that we stand up for what America is supposed to be for. It is a land of opportunity, yes; but it is a land where one thing ties us together. We are Americans and we come from every race, every religion, every ethnic group. Here we are. We have come from every country in the world, and we have a proud immigrant heritage; and we are not shutting that off. I am not suggesting that we cut off the legal flow of immigrants into our country and we do about a million a year, which is more than all the rest of the world combined.

So what we need to do is to make sure that we take the people who are here legally and people who are U.S. citizens and recognize who ties us together as a Nation. Other countries have their own religion. Other countries have a traditional ethnic group or a race that makes them what they were; but what ties Americans together is a love of liberty, of freedom, of justice, of people who come here to be part of this American Dream.

Well, if we do not care about each other, if that spirit of caring does not, we do not have an ethnic tie to keep us together. We do not have one religion because there are people of every religious state here in America. That one religion does not keep us together. It is a love of liberty and justice and a commitment to opportunity and a caring for us all as all Americans as a family. We care about us.

What is the United States? United States. It is us. And just because we are saying that we are going to focus on caring about us does not mean that you have hatred in your heart towards someone else. And please, please open your hearts and open your consciences. Look at this issue, and I think you will see this is based on positive motives. We have to end the massive flow of illegal immigration into this country, or we will hurt the people that we care about. It will hurt us. It will hurt the United States if we continue down this path. The quickest way to turn it around is to start with this legislation, and it is going to be tough and there is going to be a lot of name calling; but I would ask you to join with me and let us save America and let us leave the other countries so they start providing a better life for their people overseas, rather than just trying to use us as an escape valve so they can send people who are dissatisfied here.

If we quit serving as that escape valve, they will have to have health care in Mexico and these other countries where they are coming here from overseas illegally. If we just keep taking people in, they will have lost their incentive.

So I ask my colleagues to look at this legislation. I thank you for providing this time.

APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Pursuant to section 491 of the Higher Education Act, the order of the House on December 8, 2003, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term:

Mr. Robert Shireman, Oakland, California.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN (at the request of Mr. DELAY) for today on account of illness.

Mr. HAYWORTH (at the request of Mr. DELAY) for today on account of traveling with the President.

Mr. PLATTS (at the request of Mr. DELAY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARDIN) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Mr. ISSA, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Friday, January 23, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6275. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2003, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

6276. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

6277. A letter from the Under Secretary of State for Political Affairs, Department of State, transmitting a year-end report on efforts in implementing Plan Colombia; to the Committee on International Relations.

6278. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–19 on Waiver of Restrictions on Assistance to the Republic of Uzbekistan under the Cooperative Threat Reduction Act of 1993, and Title V of the FREEDOM Support Act; to the Committee on International Relations.

6279. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting the Department's FY 2003 Performance and Accountability Report; to the Committee on Government Reform.

6280. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule—Governmentwide Debarment and Suspension (Nonprocurement) (RIN: 3206–AK30) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6281. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30397; Amdt. No. 445] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6282. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30392; Amdt. No. 3079] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6283. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30394; Amdt. No. 3081] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6284. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clarion, IA [Docket No. FAA–2003–15726; Airspace Docket No. 03–ACE–68] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6285. A letter from the Secretary of Labor and Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the Corporation's 2003 Annual Report, pursuant to 29 U.S.C. 1308; jointly to the Committees on Education and the Workforce, Government Reform, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. MILLENDER-MCDONALD:

H.R. 3712. A bill to improve seaport security; to the Committee on Transportation and Infrastructure.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. JOHNSON of Illinois, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. EMANUEL, and Mr. KIRK):

H.R. 3713. A bill to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself and Ms. LEE):

H.R. 3714. A bill to provide better protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and 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. DELAURO (for herself, Mr. FROST, and Mr. OWENS):

H.R. 3715. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and 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. ENGLISH (for himself, Mr. DAVIS of Alabama, and Ms. HART):

H.R. 3716. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. MARKEY, Mr. TAUZIN, Mr. DINGELL, Mr. BILIRAKIS, Mr. BARTON of Texas, Mr. STEARNS, Mr. GILLMOR, Mr. BASS, Mr. GREENWOOD, Mr. BURR, Mr. BLUNT, Mr. SHIMKUS, Mr. TERRY, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. SMITH of Texas, Mr. GREEN of Texas, Mrs. WILSON of New Mexico, Mr. GORDON, Mr. WHITFIELD, Mrs. BONO, Ms. MCCARTHY of Missouri, Mr. WYNN, Mrs. CUBIN, and Mr. PITTS):

H.R. 3717. A bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 3718. A bill to amend the Internal Revenue Code of 1986 to allow State government employers to contribute to section 403(b) pension plans; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. GREENWOOD, Ms. SLAUGHTER, and Ms. DEGETTE):

H.R. 3719. A bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERSON of Pennsylvania (for himself, Mr. OSBORNE, and Mr. SOUDER):

H.R. 3720. A bill to authorize the Secretary of Education to make grants to local educational agencies and private schools to establish drug-free school demonstration programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. BERRY, Mr. SANDERS, Mr. ACEVEDO-VILA, Mr. PAUL, Mr. MCHUGH, Mr. SHUSTER, Mr. CASE, Mr. HOEFFEL, Mr. PEARCE, Mr. MICHAUD, Mr. RENZI, Mr. BOYD, Mr. LATHAM, Mr. BOOZMAN, Mr. MORAN of Kansas, Mr. CANNON, Mrs. EMERSON, Mr. SWEENEY, Mr. QUINN, Mr. DAVIS of Tennessee, Mr. ROSS, Mrs. CAPITO, and Mrs. CUBIN):

H.R. 3721. A bill to amend title 49, United States Code, to repeal the essential air service local participation program; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.R. 3722. A bill to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. SESSIONS:

H.R. 3723. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Vaughn Gross Post Office Building''; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Mrs. MALONEY, and Mr. SIMMONS):

H.R. 3724. A bill to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 3725. A bill to prohibit United States military assistance for Egypt and to express the sense of Congress that the amount of military assistance that would have been provided for Egypt for a fiscal year should be provided in the form of economic support fund assistance; to the Committee on International Relations.

By Mr. WEINER:

H.R. 3726. A bill to authorize the grant program under which the Secretary of Homeland Security makes discretionary grants for use in high-threat, high-density urban areas, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. JENKINS:

H.J. Res. 86. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H. Res. 495. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BAKER (for himself, Mr. TAUZIN, Mr. MCCRERY, Mr. JOHN, Mr. JEFFERSON, Mr. ALEXANDER, and Mr. VITTER):

H. Res. 496. A resolution commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game, and commending the Southern University Jaguars football team for winning the 2003 SBN Black College National Football Championship; to the Committee on Education and the Workforce.

By Mr. BURR (for himself and Mr. TAYLOR of North Carolina):

H. Res. 497. A resolution commending the Wake Forest University Demon Deacons field hockey team for winning the 2003 National Collegiate Athletic Association Division I Field Hockey Championship; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. UPTON, Mr. DINGELL, Mr. CAMP, Mr. CONYERS, Mr. KNOLLENBERG, Mr. KILDEE, Mr. SMITH of Michigan, Mr. LEVIN, Mr. ROGERS of Michigan, Ms. KILPATRICK, and Mr. MCCOTTER):

H. Res. 498. A resolution congratulating the Grand Valley State University Lakers football team for winning the 2003 National Collegiate Athletic Association Division II Football National Championship; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Ms. ESHOO, Mr. REYES, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. WAXMAN, Mr. LANTOS, Mr. CONYERS, Mr. SPRATT, Mr. TURNER of Texas, and Mr. MORAN of Virginia):

H. Res. 499. A resolution requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, and the Judiciary, 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. PICKERING (for himself, Mr. PITTS, Mrs. WILSON of New Mexico, Mr. TERRY, Mrs. JO ANN DAVIS of Virginia, Mrs. CUBIN, Mr. ISTOOK, Mr. BURGESS, Mr. WHITFIELD, Mr. SULLIVAN, Mr. AKIN, and Mrs. BONO):

H. Res. 500. A resolution expressing the sense of the House of Representatives that the Federal Communications Commission should vigorously enforce indecency and profanity laws pursuant to the intent of Congress in order to protect children in the United States from indecent and profane programming on broadcast television and radio; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 3727) for the relief of Maria Del Refugio Plascencia and Alfredo Plascencia-Lopez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. GOODLATTE.

H.R. 58: Mr. PAYNE and Mrs. CAPITO.

H.R. 290: Ms. WATERS, Mrs. JONES of Ohio, and Mr. FARR.

H.R. 327: Mr. PAUL.

H.R. 331: Mr. GRIJALVA.

H.R. 375: Mr. PETERSON of Pennsylvania.

H.R. 394: Mr. JACKSON of Illinois.

H.R. 434: Mrs. BIGGERT, Mr. KELLER, and Mr. GIBBONS.

H.R. 466: Mr. VISCLOSKY.

H.R. 476: Mr. LYNCH and Ms. NORTON.

H.R. 502: Mr. TOOMEY.

H.R. 527: Mr. GORDON.

H.R. 832: Mr. DEUTSCH.

H.R. 839: Mr. PITTS, Mr. CHABOT, and Ms. MILLENDER-MCDONALD.

H.R. 852: Mr. HOLT, Mr. STUPAK, Mr. ANDREWS, and Mr. KIND.

H.R. 857: Mrs. JONES of Ohio.

H.R. 876: Mr. CUMMINGS, Mr. MEEK of Florida, Mr. JOHN, Mr. CASTLE, Mr. SMITH of Washington, Mr. DELAHUNT, Mr. WALSH, Mr. FATTAH, Mr. GREENWOOD, Mr. HOEFFEL, Mr. WELLER, Mr. OWENS, and Mr. DAVIS of Tennessee.

H.R. 883: Mr. CUMMINGS.

H.R. 885: Mr. FLAKE.

H.R. 920: Mr. CUMMINGS.

H.R. 936: Mr. DOGGETT.

H.R. 962: Mr. LANTOS and Mr. MCGOVERN.

H.R. 965: Ms. CARSON of Indiana and Mrs. JONES of Ohio.

H.R. 972: Mr. ENGEL.

H.R. 1154: Mr. SIMPSON.

H.R. 1225: Mr. CUMMINGS.

H.R. 1264: Mr. FOLEY.

H.R. 1268: Mr. WEINER.

H.R. 1322: Mr. WEINER and Mr. UDALL of New Mexico.

H.R. 1336: Mr. CLAY, Mr. GREENWOOD, Mr. MCHUGH, Mr. SHIMKUS, and Mr. LAHOOD.

H.R. 1426: Mr. COLE.

H.R. 1499: Mr. MILLER of North Carolina.

H.R. 1532: Mr. LATOURETTE, Mr. PETRI, Mr. EHLERS, and Mr. SIMMONS.

H.R. 15646: Mr. KINGSTON.

H.R. 1563: Ms. BORDALLO, Mr. MARKEY, Mr. KIND, and Mrs. WILSON of New Mexico.

H.R. 1582: Mr. RYAN of Ohio.

H.R. 1608: Mr. BOUCHER, Mr. KING of New York, Mr. LAHOOD, and Mrs. CHRISTENSEN.

H.R. 1639: Mr. OLVER, Mrs. DAVIS of California, and Mr. OWENS.

H.R. 1746: Mr. SHERMAN and Mrs. WILSON of New Mexico.

H.R. 1776: Mr. ANDREWS.

H.R. 1811: Mr. KIND, Mrs. KELLY, Mr. DEFAZIO, and Mr. VISCLOSKY.

H.R. 1824: Mr. NEAL of Massachusetts, Mr. UDALL of Colorado, and Mr. MCHUGH.

H.R. 1956: Mr. JACKSON of Illinois and Mr. WEINER.

H.R. 1997: Mr. BALLENGER.

H.R. 2053: Mr. LAMPSON.

H.R. 2060: Mr. VAN HOLLEN.

H.R. 2133: Mr. SCHROCK and Mr. TIBERI.

H.R. 2173: Mr. LANTOS, Ms. NORTON, Mr. WATT, Mr. WEINER, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. WEXLER, Mr. HOLT, Mr. CLYBURN, Mr. JEFFERSON, Mr. RAHALL, Mr. HOEFFEL, and Mr. PLATTS.

H.R. 2176: Mr. FOLEY.

H.R. 2263: Mr. HENSARLING.

H.R. 2318: Mr. MATHESON.

H.R. 2323: Mr. GORDON.

H.R. 2403: Mrs. MCCARTHY of New York.

H.R. 2404: Mr. GOODE, Mr. GILLMOR, and Mr. ROTHMAN.

H.R. 2490: Mr. SWEENEY and Mr. LANGEVIN.

H.R. 2509: Mr. HAYWORTH.

H.R. 2519: Mr. CASE, Mrs. CAPITO, Mr. TURNER of Ohio, and Mr. CASTLE.

H.R. 2527: Mr. WEINER and Mr. UDALL of Colorado.

H.R. 2568: Mr. MCINTYRE and Mr. PAYNE.

H.R. 2625: Mr. ANDREWS and Mr. DICKS.

H.R. 2699: Mr. MOORE and Mr. GREEN of Wisconsin.

H.R. 2760: Mr. FRANK of Massachusetts.

H.R. 2768: Ms. MCCARTHY of Missouri, Mr. KANJORSKI, Ms. LOFGREN, Mr. REYES, Mr. YOUNG of Florida, Mr. GEORGE MILLER of California, Mr. BILIRAKIS, Mr. OBEY, Mr. DICKS, and Mr. ROTHMAN.

H.R. 2797: Mr. GOODE.

H.R. 2809: Mr. PRICE of North Carolina.

H.R. 2810: Mr. PRICE of North Carolina.

H.R. 2900: Mr. WELDON of Pennsylvania and Mr. CRANE.

H.R. 2959: Mr. BISHOP of Utah, Mr. LAHOOD, and Mr. PLATTS.

H.R. 3058: Mr. TURNER of Ohio and Mr. NEUGEBAUER.

H.R. 3092: Mr. ABERCROMBIE.

H.R. 3104: Mr. WOLF and Mr. EMANUEL.

H.R. 3125: Mr. BURTON of Indiana.

H.R. 3139: Mr. GREEN of Texas and Mr. MEEHAN.

H.R. 3190: Mr. GINGREY and Mr. RYUN of Kansas.

H.R. 3193: Mr. KELLER.

H.R. 3213: Mr. HENSARLING.

H.R. 3225: Mrs. CUBIN and Mr. ENGLISH.

H.R. 3242: Mr. HINCHEY, Mrs. MILLER of Michigan, and Mr. ABERCROMBIE.

H.R. 3246: Mr. ENGEL.

H.R. 3247: Mr. STUPAK.

H.R. 3277: Mr. SOUDER, Mr. NEUGEBAUER, Mrs. BLACKBURN, Mr. PETERSON of Minnesota, Mr. RUPPERSBERGER, Mr. BILIRAKIS, and Mr. CULBERSON.

H.R. 3281: Mrs. JONES of Ohio.

H.R. 3306: Mr. VAN HOLLEN.

H.R. 3313: Mr. HENSARLING.

H.R. 3329: Mr. PITTS.

H.R. 3350: Ms. ROS-LEHTINEN, Mrs. JONES of Ohio, Mr. ROTHMAN, Mr. SNYDER, and Mr. HOLT.

H.R. 3352: Mr. JACKSON of Illinois.

H.R. 3389: Mr. MOORE.

H.R. 3412: Mr. GOODE, Mr. GREEN of Wisconsin, and Mr. PALLONE.

H.R. 3425: Mr. SERRANO and Mr. MORAN of Virginia.

H.R. 3438: Mr. LANTOS, Mr. MCINTYRE, Mr. ISAKSON, Mr. HOLT, Mr. WEINER, Ms. JACKSON-LEE of Texas, and Mr. UPTON.

H.R. 3446: Mr. MCNULTY, Mr. MCDERMOTT, Mr. BAIRD, Mr. MOORE, Mr. HOEFFEL, Mr. WEINER, Ms. MCCOLLUM, Mr. WEXLER, Mr. WAXMAN, Mr. SHAYS, Mr. WU, Mr. FATTAH, Mr. HOLT, Mrs. NAPOLITANO, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KIRK, Mr. OWENS, and Mr. NEAL of Massachusetts.

H.R. 3473: Mr. CAMP, Mr. WICKER, Mr. PLATTS, Mr. NEUGEBAUER, and Mr. PASTOR.

H.R. 3484: Mr. TIBERI.

H.R. 3527: Mr. SHAW.

H.R. 3545: Ms. ESHOO, Mr. CASE, Mr. GEORGE MILLER of California, and Mr. OWENS.

H.R. 3550: Mr. DELAHUNT, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. DAVIS of Alabama, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, and Mr. SMITH of Washington.

H.R. 3561: Mr. RAMSTAD.

H.R. 3574: Mr. BURR, Mr. HAYWORTH, Mr. JOHN, Mr. BRADY of Texas, Mr. SHADEGG, and Ms. HOOLEY of Oregon.

H.R. 3591: Mr. TERRY.

H.R. 3599: Mr. OWENS.

H.R. 3605: Mr. KILDEE and Mr. COLE.

H.R. 3619: Mr. BECERRA, Mr. INSLEE, Mr. FRANK of Massachusetts, Mr. EMANUEL, Mr. CROWLEY, Ms. ESHOO, Mr. ENGEL, Ms. ROYBAL-ALLARD, Mr. STUPAK, Mr. FILNER, Ms. KAPTUR, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mr. ROSS, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. LARSEN of Washington, Mr. NEAL of Massachusetts, and Mr. MORAN of Virginia.

H.R. 3642: Mrs. NAPOLITANO, Mr. WEXLER, Mr. RANGEL, Ms. NORTON, and Mr. OWENS.

H.R. 3673: Mr. FRANK of Massachusetts, Mr. FARR, Mr. WAXMAN, Mr. SERRANO, Mr. WEXLER, Mr. PAYNE, Mr. CLAY, Mr. VISCLOSKY, Mr. MCDERMOTT, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Mr. TIERNEY, Ms. ESHOO, Mr. BOYD, and Mr. HOLT.

H.R. 3676: Mr. OWENS and Ms. WOOLSEY.

H.R. 3684: Mr. FROST, Mr. HOLT, Ms. MCCOLLUM, Mr. WEXLER, Mr. OWENS, Mr. FRANK of Massachusetts, and Mr. KILDEE.

H.R. 3687: Mr. TAYLOR of Mississippi, Mr. BARTLETT of Maryland, Mr. MCCOTTER, Mr. OSBORNE, Mr. BALLENGER, Mr. WALSH, Mr. NORWOOD, Mr. BOOZMAN, Mr. COLLINS, Mr. FORD, Mr. AKIN, Mr. PEARCE, Mr. BURR, Mr. BROWN of South Carolina, and Mr. WICKER.

H. Con. Res. 9: Mr. BARTLETT of Maryland.

H. Con. Res. 15: Mr. SOUDER.

H. Con. Res. 99: Mr. JACKSON of Illinois and Mr. KILDEE.

H. Con. Res. 226: Mr. MCNULTY.

H. Con. Res. 269: Ms. MCCOLLUM.

H. Con. Res. 285: Mr. KINGSTON.

H. Con. Res. 324: Mr. MATHESON and Ms. HOOLEY of Oregon.

H. Con. Res. 326: Ms. WOOLSEY and Mr. TANCREDO.

H. Con. Res. 332: Mr. MICHAUD.

H. Con. Res. 344: Mr. OWENS and Mr. WEXLER.

H. Con. Res. 348: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. FROST, Ms. BORDALLO, Mr. CANNON, Mr. MCNULTY, Mr. KILDEE, Mr. SHIMKUS, Mr. PEARCE, Mr. FRANK of Massachusetts, Mrs. MUSGRAVE, Mr. OWENS, and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 157: Mr. ALLEN.

H. Res. 313: Mr. SHAYS and Mr. NADLER.

H. Res. 402: Mr. LUCAS of Kentucky.

H. Res. 466: Mr. PRICE of North Carolina, Mr. ENGEL, Mr. WEINER, Mr. ACEVEDO-VILA, Mrs. NAPOLITANO, and Mr. EHLERS.

H. Res. 479: Ms. MCCARTHY of Missouri, Mr. UDALL of New Mexico, Ms. SOLIS, Ms. NORTON, Mr. OLVER, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. OWENS, Ms. CARSON of Indiana, Mrs. KELLY, and Mr. CLAY.

H. Res. 481: Mr. BURNS, Mr. DAVIS of Tennessee, Mr. ROSS, Mr. GOODE, Mr. SOUDER, Mr. BEAUPREZ, Mr. WICKER, Mr. SESSIONS, Mr. BOEHLERT, Mr. LATOURETTE, and Mrs. MUSGRAVE.

H. Res. 482: Mr. GREEN of Wisconsin, Mr. RYUN of Kansas, Mr. BONNER, Mr. BRADY of Texas, Mr. GUTKNECHT, Mr. CALVERT, Mr. KELLER, Mr. WALSH, Mr. BOOZMAN, Mr. KINGSTON, Mr. GOODE, Mr. MILLER of Florida, Mr. DEMINT, Mr. TURNER of Texas, Mr. EVERETT, Mr. FORD, Mr. MATHESON, Mr. HAYWORTH, Mr. RAMSTAD, Mr. DAVIS of Tennessee, Ms. BORDALLO, Mr. DEAL of Georgia, Mr. BARRETT of South Carolina, Mr. COLLINS, Mr. MCHUGH, Mr. HILL, Mr. PETRI, Mr. LINDER, Mr. PLATTS, Mr. GOODLATTE, Mr. AKIN, Mr. KLINE, Mr. BROWN of South Carolina, and Mr. TIBERI.

H. Res. 489: Mr. HYDE, Mrs. BIGGERT, Mr. GRIJALVA, and Mr. STARK.

H. Res. 490: Mr. MILLER of North Carolina, Mr. SMITH of Texas, and Mr. WU.

H. Res. 492: Mr. RENZI, Mr. ENGLISH, Mr. GUTKNECHT, and Mr. TOOMEY.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Everlasting God, our light and our salvation, You are our strength and shield. We thank You for Your great and precious promises. You have promised to supply our needs and to lead us toward abundant living. Thank You also for the promise of Your eternal presence.

Lord, forgive us when we surrender to those influences that draw us downward. Bless the Members of this body. Teach them that Your hand is on the helm of human affairs and that You still guide Your world. Bless our military people who daily risk their lives for liberty. Console those who grieve, who count the empty places and long for the sound of a voice that is still. Lord, renew our strength and give us the courage to carry on. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the conference report to accompany H.R. 2673, the Omnibus appropriations bill. A number of Senators will want to speak on that measure over the course of today, as well, I am sure, to make comments on the President's State of the Union Address last evening. The time until 6 p.m. today will be equally divided for debate to accommodate those statements.

Although yesterday we were unable to invoke cloture, I do hope we will be able to finish this important funding legislation prior to finishing our business for the week. I will continue to be in discussions with the Democratic leader with the hope of reaching consent to allow the Senate to work its will on the Omnibus conference report.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I look forward to having further discussions with the majority leader with regard to taking the next legislative step with regard to the Omnibus bill. I am sure we will be able to reach some understanding as to how we might complete our work on this legislation.

I do think it is important, as we said yesterday, for the Senate to focus its attention on some of the issues we cited yesterday as real policy concerns. There were procedural concerns about how we got here, but the policy concerns are the ones that can be addressed and can be fixed. If we are not able to fix them in this legislation, I certainly want to assure my colleagues we will look for other vehicles and other ways to address each of these issues over the course of the next several weeks and months.

I will have more to say about that later in the day, but I will certainly work with our majority leader in addressing the schedule and providing options for ways in which we can complete our work on this bill perhaps this week.

I urge colleagues to recognize the opportunity the day presents to discuss some of these issues. I know there are many on our side who intend to do that. The time is equally divided. We certainly intend to use the time that will be allocated to this side throughout the day to discuss many of these issues.

I yield the floor.

Mr. REID. Mr. President, while the two leaders are here—I have not had an opportunity to discuss this with either of them—floor staff has indicated when the majority leader finishes his statement Senator DORGAN is here wishing to speak. Following that, Senator REED of Rhode Island would like to speak, and then Senator BOXER. We understand if there are Republicans, we will alternate, but I wanted to give them the roll of those who indicated they would like to come prior to Senator BYRD and Senator MCCAIN speaking this afternoon.

Mr. FRIST. Mr. President, we can talk during the speeches, but my understanding is we will alternate back and forth.

Mr. DASCHLE. Yes.

Mr. FRIST. I will make a stronger statement probably for 30 minutes, and after that we can alternate back and forth.

APPOINTMENTS

The PRESIDENT pro tempore. The Chair announces the following appointment made on January 6, 2004, during the sine die adjournment:

Pursuant to the provisions of Public Law 108–136, on behalf of the Democratic Leader, the appointment of the following individuals to serve as members of the Veterans' Disability Benefits Commission: Mike O'Callaghan, of Nevada, and Rick Surratt, of Virginia.

RECOGNIZING 2004 AS THE ''50TH ANNIVERSARY OF ROCK 'N' ROLL''

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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now proceed to consideration of S. Res. 285, submitted earlier today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) recognizing 2004 as the ''50th Anniversary of Rock 'n' Roll.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, I rise today in support of the resolution commemorating the 50-year history of rock 'n' roll. Senator FRIST, the sponsor of this resolution, and myself are both from the State where rock 'n' roll was born—Tennessee. On July 5, 1954, Elvis Presley recorded his first record, ''That's All Right,'' at the legendary Sun Studio in Memphis and rock 'n' roll was officially born.

Memphis being the birthplace of rock 'n' roll should be of no surprise, since rock 'n' roll isn't the first genre of music to be officially born there. During the Civil War era another musical tradition was born from the sons and daughters who followed freedom up the Mississippi River. The soul-wrenching folk melodies of black Southerners laid the foundation for what would become the blues. Memphis has a vast history of being the center of American musical innovation.

The heart of this music innovation is grounded in the cultural life of Beale Street. It was Beale Street where W.C. Handy, a wandering black musician and composer, was the first to put down on paper the sometimes grim but always hopeful fix of field hollers, gospel songs, cotton-baling calls, and African tribal songs. Forty years later, Beale Street and those same rhythms infected a young, aspiring musician named Elvis Aaron Presley. Elvis Presley came to Sun Records to make a record for his mother and ended up forever changing music and society.

Sun Studios is the place where Sam Philips created his Rockabilly dynasty with Carl Perkins, B.B. King, Roy Orbison, Johnny Cash, Jerry Lee Lewis and Elvis. Rock 'n' roll evolved in the 1950s from rhythm and blues, and was characterized by the use of electric guitars, a strong rhythm with an accent on the offbeat, and youth-oriented lyrics. Last July, Senator FRIST and I joined Secretary of the Interior Gale Norton in a singing ceremony, which designated Sun Records recording studio as a National Historic Landmark. Sun Records in Memphis, TN, is the true home of the blues and the birthplace of rock 'n' roll.

No other city in the United States can claim equal influence on the music of this Nation.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The resolution (S. Res. 285) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 285

Whereas Elvis Presley recorded ''That's All Right'' at Sam Phillips' Sun Records in Memphis, Tennessee, on July 5, 1954;

Whereas Elvis' recording of ''That's All Right'', with Bill Black on bass and Scotty Moore on guitar, paved the way for such subsequent Sun Studio hits as Carl Perkins' ''Blue Suede Shoes'' (1955), Roy Orbison's ''Ooby Dooby'' (1956), and Jerry Lee Lewis' ''Whole Lotta Shakin'' (1957)—catapulting Sun Studio to the forefront of a musical revolution;

Whereas the recording in Memphis of the first rock 'n' roll song came to define an era and forever change popular music;

Whereas the birth of rock 'n' roll was the convergence of the diverse cultures and musical styles of the United States, blending the blues with country, gospel, jazz, and soul music;

Whereas the year 2004 provides an appropriate opportunity for our nation to celebrate the birth of rock 'n' roll, and the many streams of music that converged in Memphis to create a truly American sound known throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes 2004 as the 50th Anniversary of rock 'n' roll;

(2) commemorates Sun Studio for recording the first rock 'n' roll record, ''That's All Right''; and

(3) expresses appreciation to Memphis for its contributions to America's music heritage.

Mr. FRIST. Mr. President, the resolution just agreed to is a resolution recognizing the year 2004 as the ''50th Anniversary of Rock 'n' Roll.'' Indeed, it was 50 years ago in a small recording studio in Memphis, TN, that a young Elvis Presley recorded his first record. It was called ''That's All Right.'' And at that point, rock 'n' roll was born. That recording by legendary producer Sam Phillips at the now famous Sun Studio in Memphis paved the way for such subsequent hits which titles we all know: Carl Perkins' ''Blue Suede Shoes'' in 1955, Roy Orbison's ''Ooby Dooby'' in 1956, and Jerry Lee Lewis's ''Whole Lotta Shakin'' in 1957. These early hits catapulted Sun Studio and Memphis to the forefront of that musical revolution.

Throughout the 1950s, the unique sound, tremendous vision, and incredible talent coming out of Memphis, TN, with such artists as Elvis Presley, the ''King of Rock 'n' Roll,'' B. B. King, Johnny Cash, Jerry Lee Lewis, and Carl Perkins, just to name a few, became the hallmark of that Sun Studio and later the hallmark of American rock 'n' roll music.

Indeed, some of the most meaningful contributions to American music were made at that Sun Studio. It is where our country, in many ways, came together and spoke with a new, a uniquely American voice that was and still is heard around the world.

The fact that rock 'n' roll was born in Memphis is no coincidence. That city's location on the banks of the Mississippi River made it a place where the diverse cultures and musical styles of our Nation came together, where they converged, blending the blues with country and with gospel and with jazz. That merging of cultures and styles continues today.

The year 2004 provides the opportunity for our Nation to celebrate the birth of rock 'n' roll and those many streams of music that converged in Memphis to create a truly American sound known throughout the world.

PRESIDENT'S ADDRESS TO CONGRESS

Mr. FRIST. Mr. President, at this juncture, on this second day of the new session of the 108th Congress, I will spend a few moments reviewing a bit but also looking ahead, setting the stage for what we are likely to expect in this body.

Last night, the President of the United States delivered a powerful challenge to the U.S. Congress and to the American people. He told us the state of the Union is strong and confident. The substance of the talk last night reflected just that.

There is much to celebrate as we enter this second session of the 108th Congress. Perhaps most important is the capture of Saddam Hussein. It was only 1 month ago that the world woke up to those astonishing images—the President described it last night—of Saddam Hussein in a hole and now in a cell. They were images of that dirty and dishevelled dictator emerging out of that spider hole.

Our brave and resourceful soldiers caught the ''butcher of Baghdad.'' As the President said last night, Saddam Hussein now is in a cell, a military prison, awaiting his fate. He will be brought to justice by the Iraqi people whom he so mercilessly terrorized, and he will be judged as the entire world looks on.

Today, because of the war on terror, the capture of Saddam, the death of his two sons, and the destruction of his wicked regime, America and her allies are safer and more secure. As we enter the new year, we are also stronger. America's vibrant economy is beginning once again to hum. The Federal Reserve confirms that the recovery we began to observe last fall is gaining momentum each and every day. Worker production is up. Industrial production is up. Exports are on the rise. Home construction is booming. More Americans than ever own their own homes. Their total household wealth is approaching historic highs. Businesses are investing. Manufacturing is at its highest level in 20 years. In short, those tax cuts, those jobs and growth packages are working.

The first round of tax cuts indeed helped end that recession that began in the year 2000. The second round of tax cuts put America on a path to solid growth. Americans today have more money to save, invest, and spend as

they, as individuals, choose. Business owners have more opportunities today to realize their entrepreneurial spirit and potential. America is moving forward because President George Bush and the Republican-led Congress believed in that creativity, in that ingenuity, in that common sense of individuals, the American people. The risk-taking, willingness to invest, irrepressible optimism of the American people is in truth what has turned this economy around from recession to where today we are in the midst of the fastest growing economy in not just the last 5 years, 10 years, or 15 years but the fastest growing economy in this country in the last 20 years, since 1984.

As the President pointed out last night, now is not the time to rest. We cannot really rest until that economic recovery is complete. Every American who is looking for work should be able to get a job and should be able to get that work. Thus, we have to have smart pro growth fiscal policy to lead this country to job creation.

Looking to the future—and our obligation is to look to the future—there are critical structural problems that we in this body need to take head on, not to shy away from but to go right after, to tackle head on.

The one area that is critical to job growth—the President mentioned it last night—is tort reform. Over the last decade, class action lawsuits have exploded. State court class action filings have skyrocketed by over 1,300 percent in just the last 10 years. It is really not just the statistic, not just the figure, but it is the result. The result of this glut of claims is to clog our court system, our State courts. They simply cannot handle them all. It is inefficient in terms of government. It wastes taxpayer dollars. It stifles the innovation to which I just referred. That innovation and that entrepreneurship that is so crucial to taking a growing economy and translating it into job growth is stifled, is shackled, is handcuffed by this glut of claims.

Last night the President also mentioned medical liability, another aspect of tort reform. The President said ''frivolous lawsuits,'' and it was wonderful for me to see the Members of Congress stand up, but now we need to act. We cannot just talk about it; we need to act. Those frivolous lawsuits are exploding health insurance premiums. So when we are talking about the 44 million people uninsured, and we are talking about the cost of insurance and frivolous lawsuits are driving those premiums sky high out of the reach of hard-working men and women, we must respond. We must address it directly.

I encourage my colleagues to talk to their own doctors and ask them what the impact of this exploding malpractice, medical liability is doing to their own practice, how it affects the quality of care. I was just in a town meeting 3 days ago with physicians. I just come straight in. Being a physician I can sort of cut through a lot of the conversation. I said: What is the biggest problem today in terms of the quality of care that you give that patient coming into the room?

It was pretty amazing. That group of physicians, without any hesitation, just one after another, said medical liability, medical malpractice premiums; I cannot afford it; it affects quality; it affects access; it affects the way I practice medicine in a negative way.

Being a doctor, I receive letters about this problem from doctors all over America. It is real. The problem is increasing, and thus we in this body must respond to it. It is driving doctors out of the practice of medicine. When babies are being delivered, in some States the tax on that baby is as much as $1,000 the mom or family has to pay, somebody has to pay, at the end of the day. That $1,000, being a tax, goes to medical liability service. It hurts access to care. It hurts the quality of care. It is threatening our health care system. It is costing the country billions of dollars.

As a physician, I am concerned about the care and the quality end of it, but even though the numbers are hard to calculate, if we just stand back and look in the aggregate, it is expensive. Well-researched reports predict that if we reform the medical liability system, make sure that there is equity, fairness, and appropriate compensation, if we have appropriate reform, we will save the economy anywhere from $70 to $126 billion a year. Just the Federal Government would save about $14.9 billion over 10 years through savings just in the Medicare and the Medicaid programs.

So when we are talking about what is the biggest issue in health care today, clearly this issue of the uninsured and the cost of health care must be put on the forefront.

Staying with this whole area of tort liability, I very much would like to address the issue of asbestos litigation. Right now things are out of control. A very good law has run amok over time and the intended consequences no longer are being accomplished, but they are unintended consequences which are hurting America.

The torrent of asbestos litigation has wreaked havoc on the victims of asbestos. Many of them develop either cancer or a type of cancer called mesothelioma. It has wreaked havoc on Americans' jobs. Companies are going bankrupt. About 20 companies have gone bankrupt from the cost of this out-of-control asbestos litigation system over the last 2 years. And it is wreaking havoc on the economy. The approximately 600,000 claims that have been filed already have cost $54 billion in settlements, judgments, and litigation costs.

The sad thing is that even with all of these billions of dollars that are being spent in the system, the current asbestos tort system has become nothing more than a litigation lottery. A few victims receive adequate compensation. But far more, far more today, the way the system is constructed, the way it has evolved, suffer long delays for unpredictable awards, for inequitable awards—if they receive anything at all. This is the victims, the people who have been hurt by asbestos.

It is a system where, if you look at it, there is only one real winner. It is not who was intended to win in the initial legislation or the laws or the regulations; that is, the victim or potential victim of exposure to asbestos. No, the only one real winner today is the plaintiffs' trial lawyers, the only certain winner. They are taking about half of every dollar that is awarded to victims. So you have a victim, you have a system with a lot of money going to it, but only 50 percent of it ends up going to the victim. The other 50 percent gets lost in the system. There can be a system where there is fair and adequate compensation both for the lawyers and especially for the victims.

While the attorneys collected their fees, the asbestos-related bankruptcies have already cost about 60,000 Americans their jobs. These job losses are unnecessary. If we act and update and modernize the asbestos tort system and bring everybody to the table, and do it in a bipartisan way, we can stop this unnecessary job loss—60,000 jobs to date. For those who lose their jobs, the average personal loss in wages over a career is as much as $50,000. That is in wages. That doesn't even include the losses in health benefits as well as in lost retirement.

Remember, when I say 20 companies in the last 2 years have gone bankrupt, these are big companies, big employers. About 60 companies have gone bankrupt over the last two decades because of the asbestos-related matters.

So passing this asbestos reform will create enormous economic benefits. It will benefit the victims themselves. The certainty that flows from the bill itself will also stimulate capital investment which will go to preserve existing jobs and create new jobs. Again, I mention a bipartisan spirit. We have to have everybody at the table. We began the work in the last session. I would like to finish it in this session in a bipartisan spirit to accomplish this reform.

In early February we will be turning to the highway system. It will be shortly—February 2, hopefully, somewhere, depending upon when we finish the appropriations bills, which I hope we will finish this week—that we can turn to America's highways. It is another jobs issue. It is also an infrastructure issue. It is a safety issue. It is an issue we will address in this body. It is estimated the highway bill, from a jobs perspective, will help create as many as 2 million much needed jobs, and it is easy to understand why.

We are blessed in many ways because this country is interlaced with 4 million miles of roads and highways. Our

transportation infrastructure is estimated to be worth about $1.75 trillion. We are blessed in many ways.

It is interesting that every $1 billion we invest in transportation infrastructure turns around and generates, for every $1 billion investment, $2 billion in economic activity. That, of course, translates into jobs.

Our roads, our ports, our railroads are that infrastructure, that transportation infrastructure that is fundamental to our Nation's economic success. If things are so good, we are so blessed, why do we have to have a highway bill? Because if we look at that infrastructure, we see much of it is deteriorating or is becoming painfully crowded. Probably people listening to me now over their radios as I am talking are sitting in line in their cars. Commutes that used to take 10 minutes now take 20 minutes or that used to take 30 minutes now take an hour. Some people are probably sitting in bumper-to-bumper traffic as I speak, not during just rush hour but throughout the day.

From a safety standpoint—I have to put it on the table because it is another reason we have to address this highway bill early—we have more accidents.

There is less time to spend with families as you spend more time in the car. There will be about 23.6 billion hours spent by Americans in delays, it is estimated. Americans waste 5.7 billion gallons of fuel just sitting in traffic in these delays. We can't ask our fellow citizens to join the great American workforce and then simply sit idly by and allow our roads to decay as that daily commute stretches from a few minutes to 30 minutes to 60 minutes—indeed, to hours.

It is a jobs issue. It is a quality of life issue. It is a safety issue.

Last year we addressed similar types of issues. We addressed the issue of spam with legislation, the Do Not Call phone registry. We just hit the issue of spam head on. This year we need to upgrade our transportation system. We are losing billions of dollars in lost productivity and billions of hours stuck in traffic.

It is that image of being stuck in traffic that kind of moves me to a topic that is unfinished business, that we worked hard on but we were unsuccessful with in the last session. It is an issue that affects every single American, every one of my colleagues, every one of my colleagues' families, everybody listening to me, their families—and that is energy. Our Nation simply does not have a comprehensive energy policy that addresses the unfortunate dependence on foreign sources of oil and energy today, a dependence which is increasing. It used to be 30 percent, 40 percent, 50 percent. Now it is up to 60 percent dependence on oil from overseas—an energy plan.

A lot of this reminds me to at least comment on what happened last summer. Fifty million people suffered the biggest blackout in American history. It came at an instant from New York City to Cleveland to Detroit to Toronto; tens of thousands of citizens were trapped at that instant, trapped in elevators and subways, trapped in trains, and they were stranded on dark city streets. We saw just with a sort of snap of the fingers in that instant the potentially fatal consequences of operating on a grid, upon which we are all so dependent, that is outmoded, that is outdated, that can crash at any time.

The Senate must respond. Our Congress must respond. It is our responsibility to respond, to act—not just talk, not just try, but to respond and pass legislation that addresses in a comprehensive way energy supply and conservation and renewable resources and the uses of more efficient types of energy.

We have to address what people are beginning to feel in the last several weeks, especially with the cold wave and the cold streak that has hit New England in historic proportions, and that is the cost of energy and the cost of oil and natural gas. U.S. chemical companies are closing plants. They are laying off workers. They are looking to expand production abroad. All because of what? The cost of high energy prices. We will import approximately $9 billion more in chemicals than we exported this year. American consumers are getting hit with higher and higher energy prices.

Small businesses are struggling just to contain these rising energy costs. It is our responsibility, this body, the Senate, to act. We acted in the last Congress. We came two votes short. Now it is incumbent upon us to go back and address that challenge before us.

I should add, not only will the energy plan lower prices, it, too, will have a real impact on jobs and on the economy—on thousands of jobs. It is estimated that the energy package will create about a half a million jobs. The Alaskan pipeline alone will create at least 400,000 jobs.

Hundreds of millions of dollars will be invested in research and development and new technology. All of this will create jobs. Engineering will create jobs in math, chemistry, physics, and science. Reforming the litigation system, upgrading our highways, and passing a comprehensive energy plan will lead to more jobs and higher economic growth.

We also must think beyond our borders in relation to what happens within this country, what happens within other countries, and address the energy issue of trade—specifically trade with Central America and Australia. Free trade is essential to the creation of jobs and to growing the economy.

Two weeks ago, I had the opportunity to spend 2 days in Mexico City where I met with representatives from the senate there. I had the opportunity to look back over the last 10 years of NAFTA. Indeed, under those 10 years of much freer trade with Mexico, the value of two-way trade between the United States and Mexico tripled. It went up three times—from $81 billion to over $230 billion. While I was there, I was talking to my legislative counterparts in the senate. And I was talking to President Fox. It was apparent to me that free trade does much for growth and economic opportunity.

But it also does much more than that. They described to me how elections there have become much freer and much more open at the state level and at the national level. We also need to make sure those trade agreements that we are part of are fair and equitable—that they strengthen the rules of international trade, and we will work hard in this body to achieve that right mix of benefits and obligations.

In addition to these types of structural reforms, we will continue to pursue strong fiscal policy and deficit reduction.

Again, the President mentioned last night the importance of this fiscal responsibility. In about 2 weeks, the President of the United States will deliver a budget to this body. We will work with that budget to accomplish that fiscal discipline. The President last night laid out a plan to cut the deficit in half over the next 5 years.

Now that the economy is beginning to hum once again, thanks to the tax relief package and the jobs and growth package of the President from 2001 and 2003, we must turn our attention to reducing the deficit. The deficit depends in part on revenues and in part on how much we spend. To grow those revenues, we have to focus like a laser, which the President has done and which we in this body have done growing the economy. Now is the time to focus on that spending.

We are also committed to promoting fairness in the Tax Code. Last summer we passed a tax bill to provide additional tax relief for families with children. We created a uniform definition of a child. Instead of five confusing and conflicting categories in terms of defining a child, the Tax Code was simplified to make it easier for folks to fill out the forms and get the tax relief to which they are entitled.

Tax simplification: We will not solve all of it this year, but I pledge this body—working with the appropriate committees—to work along the line for tax simplification. We will continue to pursue reforms that make the Tax Code clearer, more understandable, and less burdensome for America's tax filers. We will address the issue of Internet tax, for example. We will work hard to pass manufacturing tax incentives.

Each of these will reduce the burden that the Government imposes on American workers and on American businesses. They, too, are critical to adding jobs to the economy. Reducing taxes on manufacturing profits especially will increase the competitiveness of American businesses by creating a fairer and a more sound system of taxing income. We will work hard this year to lower

manufacturing taxes and streamline the Tax Code; all of that as we focus on taxes because taxes ultimately is not about dollars but about people—people who go to work every day, who start businesses, who hire new workers, who contribute to their communities, who raise their families, and who expand the economy.

Tax relief and tax reform grow the range of opportunities for people to make the very best choices for themselves and for their families, whether that is to spend their hard-earned dollars on a dishwasher or whether it might be to take the family on a vacation.

For some families, however, the choices are stark. They are not thinking about even a new dishwasher. They are not thinking about a vacation. They struggle just to pay the bills. Often health insurance for their loved ones is a necessity they do without.

The President last night mentioned the importance of addressing the cost of health care today. Forty-four million people are uninsured in this country. It varies between 40 million and 44 million. Whatever the figure is, it is too high. The primary cause is the cost of health insurance. It is one of the most daunting policy challenges facing our Nation.

As a physician, it is clear to me that if somebody does not have health insurance they simply don't get good care or high-quality care. They do not tend to get things that are important in preventing diseases such as preventive services. The uninsured are four times less likely to receive needed medical and health treatment. The uninsured are five times less likely to obtain prescription drugs. The uninsured are four times more likely to enter the health care system through the emergency room.

The lack of affordable health care coverage is also one of the key factors accounting for the health care disparities among minorities—addressing specifically access to quality care.

As we heard last night, the President offered specific proposals. He didn't just say we need to address the problem by saying we are going to take care of everybody no matter what it costs and sort of stick one's head in the sand about the issue or overpromise. The President offered very specific proposals which we in this body should consider.

Refundable tax credits for low- and middle-income Americans are important. It means that people who are on the margin and can't afford health care insurance all of a sudden have a pool of resources to be able to buy that insurance.

He proposed to expand the number of community health centers and to increase access to this new entity of health savings accounts where you, in essence, own your health savings account. You are able to put in money tax free and take it out tax free. You control that health care dollar.

He introduced the concept last night of making the premiums deductible, to encourage and to make it more affordable to have these health savings accounts.

We have to control costs through, as I mentioned earlier, addressing head on the frivolous and unnecessary medical lawsuits.

The President mentioned promoting association health plans—again, a specific proposal. It will be debated on the floor of the Senate.

But the point is the President says we need to reduce the cost of the health insurance policies. He feels very strongly that one of the answers would be lowering the cost by allowing association health plans to enter the market and to compete.

In this body, I have asked Senator JUDD GREGG to lead a Senate Republican task force to explore ways in which this body can respond to the uninsured—this daunting challenge which is before us.

America is a strong nation. America is a compassionate nation. We are committed to protecting the most vulnerable before us. The President last night mentioned immigration policy. The reception to his immigration policy statements from a few weeks ago has been very mixed. We know that. A lot of people are getting phone calls from constituents. But the point is the President says this is a problem, and the reality is we have 8 million people or 9 million people in this country who are in the shadows. We don't know who they are or where they are or what they are doing. Our immigration policy is outdated. It must be addressed.

Indeed, in this body we must address immigration policy. I have asked my chairmen of the appropriate committees to come together and see what the appropriate response is in discussing, pulling together and addressing what the immigration policy might be and to report back.

It was feared that the President's plan was either amnesty or welfare. But the President was very direct last night. This year we will work to find ways to improve the system.

In 2004, we will also work to build on the success of the No Child Left Behind Act and the education bill. We are committed to improving Head Start and making sure that every child in America learns.

We will also address the Individuals with Disabilities Education Act in this session, and to get education out of the courtroom and into the classroom focusing on the individual—to focus on individuals themselves who have disabilities and to make sure they have that opportunity to learn. We will examine how we can expand access to higher education. The President last night mentioned the support for community colleges. If you are a minority or your family is poor, you are less likely to attend college. We must examine how to close this gap so that college is within reach for all children, regardless of race, regardless of income. We will work hard in this body this year to make sure, from Head Start all the way up through college, every child in America has that opportunity to learn and to achieve.

Our commitment to opportunity also brings me to mention welfare recipients as they work to gain independence and self-reliance. Since the enactment of the historic 1996 welfare law, 5.4 million fewer people live in poverty than when the law was passed. Caseloads have declined by more than half. Families once trapped in the clutches of government dependency are now on those first rungs of the economic ladder.

It is by no means an easy climb, but these hard-working Americans are succeeding for themselves, they are succeeding for their families. Today, 2.8 million fewer children live in poverty. Among African-American children, poverty has dropped to its lowest level ever.

Welfare reform is working. It is working because it is based on the belief that everyone can succeed if given the chance. This year, in this body, we will work to extend the promise of welfare reform which is at its heart the promise of the American dream.

As we move America forward on the domestic front, we must also continue to meet international challenges to the safety and security of the American people. There are many but none more important than the war on terror. The fight against terror will be a long and difficult struggle, unlike any struggle this Nation has known before. Let there be no mistake about it; we are at war, but we will prevail. Already we have made tremendous progress. After years of indifference to the threat of terrorism, the U.S. Government has, under the leadership of President Bush, made enormous strides in taking the fight to the terrorists. In just 2 years, America has toppled two terrorist-sponsoring regimes. In just 2 years, America has liberated millions of people. In just 2 years, America has brought avowed adversaries to the table of peace. Our bold, tough, unwavering leadership has yielded spectacular results. As the President said last night in the State of the Union Message, ''No one can doubt the word of America.''

Previously recalcitrant rulers are beginning to cooperate in the war on terror. After seeing our troops roll into Baghdad, the Libyan dictator, Muammar Qadhafi, called the Italian Prime Minister and said: I will do whatever the Americans want because I saw what happened in Iraq and I am afraid. Libya will now dismantle its nuclear weapons programs and join the Chemical Weapons Convention.

With the military defeat of the Taliban regime in Afghanistan and Saddam's regime in Iraq, American diplomacy has been further strengthened toward ending the nuclear ambitions of North Korea and Iran. North Korea and

Iran now feel the combined pressure of the international community to abandon their nuclear ambitions. I am confident in time they will.

Finally, change wrought by war has given old adversaries an opportunity to lay aside their grievances and begin the work of peace. India and Pakistan have agreed to peace talks. Syria has established diplomatic relations with Turkey. In each case, the opportunity to pursue a new course of peace between these historic antagonists is a direct result of the United States determination to oppose international terrorists and the regimes that sponsor them.

This is not to say the war against terrorism has been won. We are far from that. Yasser Arafat continues to cling to the tools of terror, frustrating the latest efforts for peace in the Middle East. In Colombia, a courageous new government fights a stubborn terrorist movement. But with clear-eyed determination we can find solutions to these conflicts as well.

Victory in the war against terrorism is inevitable because of the leadership of our President, because of the perseverance of our people and, most of all, because of the courage and sacrifice of our men and women in uniform. Every day they serve the Nation, our service men and women give this Nation their very best. They are not the first, but they are the latest generation to take up and bear arms, to travel from home and loved ones and risk all so we may live in safety, so we may live in peace. They deserve our deep gratitude.

I take one final moment to pay a special thanks to the 101st Airborne which is based in my home State of Tennessee and also in the adjoining State of Kentucky. Under the leadership of MG David Petraeus, a friend, the 101st is doing extraordinary work. You may remember it was the 101st that found and dispatched Uday and Qusay Hussein in Mosul. Since then, the 101st has moved more quickly than any other American unit in training guards and policemen for the new Iraqi civil defense guard.

They have also shown that the Iraqi people have tremendous generosity in their relationships with the United States. They have demonstrated the generosity through their action, through the action of the 101st Airborne, the generosity, the heart displayed by our service men and women in helping Iraq rebuild its infrastructure, rebuild its civic institutions and, even more fundamentally, the pride and hope of the people in Iraq, that pride and hope in the future. Together with the support of the Congress and the American people, the 101st is helping plant the seed of democracy in the heart of the Middle East.

There is yet much to be done, but it must be said that none of these developments was even imaginable 3 years ago. Because of the extraordinary leadership of President Bush and the courage of our men and women in uniform, America is safer. Millions of people around the world are for the first time free.

Strengthening our homeland security, prosecuting this war on terror, addressing domestic issues such as education and health care and tort reform are just a few of the issues we will address this year. The President's judicial nominees will get the up-or-down vote they deserve. We will not allow a small minority of Senators to thwart our constitutional duty to advise and consent.

Look for action to protect unborn victims of violence, child custody protection, gun liability, bankruptcy, and many other legislative efforts.

We have laid out an ambitious agenda, one worthy of a great nation, one that will require strong, bipartisan work. We will be aggressive. We will fulfill our duty to serve the American people and make our Nation strong.

Some cynics say in a narrowly divided Congress, especially during an election year, that we are doomed to gridlock, that we can accomplish little. I strongly disagree. I believe everyone in this Chamber will do what is right and what is best for the American people and that is to move America forward.

There is much to be done and there is no time to waste. I thank my fellow Senators for their dedication. I look forward to another extraordinary year in the Senate.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2673, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 2673, making appropriations for agriculture, rural development, Food and Drug Administration, and related agencies for the fiscal year ending September 30th, 2004, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 6 p.m. will be equally divided between the chairman and ranking member of the appropriations committee or their designees for debate only.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to consume as much time as I will.

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

Mr. DORGAN. Mr. President, I listened to my colleague, Senator FRIST, who is the majority leader. I have great respect for him. His call for bipartisanship is certainly welcome. I say to him and to others that those of us who serve in the Senate come here wanting to do good things for our country. We have a passion for good public policy that will advance America's interests.

But I must say, in the past year or so the evidence of bipartisanship is hard to find with respect to the way the White House and the majority in this Senate have dealt with the minority. We would welcome true bipartisanship.

I must also point out, while I think there are areas where we have made progress in this country, there are some very significant issues with which we must deal.

We have the largest budget deficit in history, and, no, it is not because of a war, it is not because of a recession. We had testimony at a hearing yesterday that said the largest part of this deficit is as a result of recurring tax cuts, very large tax cuts, the bulk of which went to the largest income earners in this country. If you earn $1 million a year, good for you; you are very fortunate. You, also, under this administration's tax plan, get nearly $100,000 in a tax cut each year as well.

We have a very large and growing Federal budget deficit, the largest in history. The President proposes increased defense spending, increased homeland security spending, and then decreased revenue. I went to a really small school, but mathematics is still the same. One and one equals two. That fiscal policy equals very large budget deficits.

We have a responsibility—all of us, Republicans and Democrats—to our children to put this fiscal policy back on track. This President inherited a large and growing budget surplus. We now have the largest budget deficit in history, and we must fix it.

We have the largest trade deficit in history, and we have to fix that. This administration is negotiating new trade agreements that, incidentally, will once again ship more American jobs overseas. It makes no sense to me for us to do that. We do have a global economy, but we ought not set American workers and American businesses up for competition against those around the world who will work 12-year-olds 12 hours a day for 12 cents an hour and then ship their products to the store shelves in America. That is not fair competition for American workers and American business. That is only about larger profits for multinationals. We need a better trade policy and to reduce those trade deficits as well.

We have many problems, significant problems, we have to address. I welcome bipartisanship. I hope Republicans and Democrats, who seek the same goal, who have the same interests and urges to improve this country, can work together.

But I want to talk a little about this Omnibus appropriations bill and describe why some of us are concerned about the lack of bipartisanship at the end of the last session and about the partisanship, especially that was exhibited. I want to talk about things that were put in this Omnibus appropriations bill, or things that were taken out, and how that was done, and why that was done, and why we think it is bad public policy.

First, let me talk about country-of-origin labeling. That is just a slogan. Not many people, perhaps, know what that is about. Let me describe it.

Upton Sinclair in 1906 wrote a book called ''The Jungle.'' He was describing what happened in America's meatpacking plants. They had a rat problem, and so what they did to control the rats was they would take loaves of bread and lace them with poison and lay them around these meat plants so the rats would eat the poison. The rats would die and they would put the bread and the rats down the same hole, and out the back of those packing plants came sausage sent to the American consumer.

Well, Upton Sinclair wrote about that, exposed it in a book called ''The Jungle.'' That led to tough new laws, inspections, saying you cannot do that. This is about the health and safety of the American people and the health and safety of America's food supply.

Country-of-origin labeling is about labeling food in this country. The necktie I am wearing has a label on it. I looked at it this morning. All neckties have labels. Why? Because they are required to have labels. I know where this necktie was made. In fact, I know where the shoes I am wearing were made.

But not everything is labeled. And especially in the advent of a case of mad cow disease, discovered in the State of Washington, with a cow that came into this country from Canada, or the case of the people who died from hepatitis in this country, and the hundreds who remain ill by hepatitis as a result of spring onions that came into this country from Mexico, the American consumers ought to have the right to have their food labeled.

Mr. President, I ask unanimous consent to show a piece of meat on the floor of the Senate.

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

Mr. DORGAN. This happens to be a steak. I would ask if there is anyone who could tell me where this particular steak came from? The answer is no. It is not labeled. Did it come from Canada? You do not know. Did it come from Mexico? You will not know. Guatemala? No. This meat is not labeled.

Let me read something about a packing plant in Mexico for the interest of the consumers in this country. In May of 1999, one inspector paid a surprise visit to a meatpacking plant in Mexico. This is what he said he found: ''Shanks and briskets were contaminated with feces . . . diseased-condemned carcass was observed ready for boning and distribution in commerce.'' But then the Mexican officials went to work to restore that plant's ability to sell meat into America. The Mexican plant regained its export license. It switched owners. It changed its name. It sells meat into America. And USDA has never returned. It has never again been inspected.

Do you want to know whether this meat came from that plant? I do. The American consumer ought to know.

This Omnibus appropriations bill contains something that is pernicious on this issue. We passed a law that is the law of the land that requires food labeling, meat labeling, and the Department of Agriculture will not implement it. This appropriations bill, with no debate and no discussion in the Congress, put a provision in this appropriations bill that says we shall delay, by 2 years, the implementation of this act. Why? Because they want to kill it. Why? Because the big packing plants got to them, and they don't like this.

The USDA says it is hard to implement. Nonsense. We can drive a vehicle on the surface of Mars and we cannot put labels on meat? Total nonsense. This is about big interests versus others. It is about consumers and farmers and ranchers being together in whose interest it is that we label meat and food.

On the other side are the big grocery manufacturers, the big packing houses that have fought this tooth and nail, and this administration and the majority in this Congress who listen to only one voice; and that is the biggest interests—the bigger interests. They are the winners. They are always the winners in this fight.

So the country-of-origin labeling provision in this bill is wrong. It was never debated. It was never agreed to. It ought to come out. Those who went into a room and wrote these provisions and stuck them into this appropriations bill ought to go back into the same room and fix it. We do not know which room it is. We do not know who they are because this was a partisan exercise. They did not invite Democrats. It was a partisan exercise. What they did is they served big business interests by sticking this sort of nonsense in the bill. That is country-of-origin labeling.

Let me describe something else. How about overtime? This is not about meat. I will put the meat away. I thank the Presiding Officer for allowing me to show a piece of steak on the floor of the Senate. There is not one Member of the Senate who would know where that meat came from because it is not labeled. It might have come from a plant in Mexico. It might have come from Guatemala. You do not know. I do not know. We do not know, but we ought to know. That is what the majority wants to prevent us and all consumers from knowing; and that is why they are wrong.

Let me talk about overtime. Let me talk about workers in this country. Do you know, for 65 years we have had a kind of pact in this country, a rule and a law that says if you want to work somebody overtime, you have a responsibility to pay them overtime pay? It is called the 40-hour workweek. We say, if you want to tell your employees you are going to work overtime, 10 hours of overtime every week, yours is a 50-hour week, you have a responsibility to pay them overtime pay.

The Department of Labor is now preparing to decide that they are going to change the overtime rules. Why? To make it easier for business to work people overtime without having to pay them. People whose judgments I respect say that up to 8 million Americans would be required to work overtime with no pay under this provision.

So we in the Senate and in the House, on a bipartisan basis, put a provision in this appropriations bill that says you cannot do that, Department of Labor; you cannot do that to the American worker. Guess what. In that same closed room, they took that provision out. It was bipartisan, voted on in both the House and Senate, but big business didn't like it, so it is gone. It is just gone.

The American workers deserve better than that. Do we really want to say to 8 million workers out there that we don't care about their families, about their income needs? We just care that after 65 years we want to change the overtime requirements so if their employer wants to work them overtime, they can. They don't have to hire more people. Why would they have to do that? They could just work people 50 hours a week because it doesn't cost any more. They can work them 50 hours a week with no overtime pay, or they can get rid of their job and hire somebody else.

For 65 years, we have had this overtime rule. These folks want to change it and hurt up to 8 million American workers.

That is in this Omnibus bill—the exclusion of the provision that Republicans and Democrats in the House and Senate put in. It was wrong to do that. They ought to put that exclusion in so we can block these rules and stand on the side of the American worker.

Let me talk about one more: Broadcast ownership. I will tell you why I am talking about these. It may be that those who do this have ear plugs; maybe they hear nothing. I don't know. I have told often of my hometown of 400 people, a tiny town in the southwest ranching country of North Dakota. I used to go down to see a blacksmith, John Krebs. I was fascinated to watch him work. He wore these big gloves and he had this forge. He would pump that thing and get a fire going, and then I would watch him put a piece of steel in this fire. The steel would heat up until it was almost white hot, and they would take it out with a big tool and go over to an anvil

and start to pound on it and bend it. You can bend it when you put heat on steel.

That is a lot like politics. When you apply heat, that is when things bend in politics. That is what this is about, trying to apply heat to those who went into a room and said we are going to get rid of meat labeling, or we are going to let the Labor Department tell 8 million people they have to work without overtime pay for more than 40 hours a week, or broadcast ownership, which is interesting for me.

Broadcast ownership. Who owns America's radio and television stations? That is a big issue. We voted on that issue in the Senate and in the House of Representatives. The judgment and decision we made was taken out of this conference after the conference made the decision and closed the title by unanimous consent. I was a conferee; that is how I know. The conference report on this Omnibus bill dealt with what both the House and Senate had decided, and that is that we will restrict to 35 percent national ownership, the ownership of television stations. And that was standing up to the big interests, taking on the big broadcast interests. We did it, Republicans and Democrats together. We passed legislation in both the House and the Senate, with Republican and Democratic support.

When we finished, we went to conference. Sitting in the conference, when we came to that title, I asked the chairman of the conference: Let me understand what you now intend to put in this conference report because they were about to close the title. I said: On the broadcast ownership issue, will this conference report include the 35-percent restriction that passed the House and Senate on a bipartisan basis? The answer was that, yes, it includes the position of the House and Senate, the 35 percent. I said that I will then have no objection to closing this title. Bang, the gavel came down, the title was closed, and the conference resolved that issue. It was done.

Mr. President, that is not what is in this bill. That is not what came from the conference. I was driving down the road in my car about a week later and I heard on the radio that the Senate was negotiating with the President on a different number. That is what is in this bill. Apparently, conferences don't matter. The gavel doesn't matter. The chairman closing a title doesn't matter. None of it mattered. None of it was on the level. What is in this conference report expands the ownership capability of broadcast ownership in television and radio—television with respect to this issue—in a way it abridges the decision made first by the House, then by the Senate, then by the conference.

I would like just one person to explain to me that process, or the rules that allow that process to bring that to the floor of the Senate. What is this about? It is about whether you are going to stand up in this country for broad-based economic ownership, or whether you believe in the area of broadcast properties—those who determine what we see and what we hear and read, which increasingly are just a few people in this country—whether you believe they ought to be bigger and bigger and bigger. One company now owns over 1,200 radio stations in this country. I could bring out charts about all the broadcast properties in television and radio. You would see there is this orgy of mergers and acquisitions and a dramatic and damaging concentration.

That is what this fight was about in the Senate and House. In fact, the Senate passed a resolution of disapproval that I, along with Senator LOTT and others, on a bipartisan basis, passed in the Senate—a resolution that disapproved the entire Federal communications rule dealing with expanding the ownership capabilities of the big groups for radio and television and allowing cross ownership of newspapers and broadcast media. We passed that resolution of disapproval in the Senate that would disapprove the entire rule. That is now pending in the House of Representatives at the desk. It is only about 10 signatures short of passing there. They have, I think, 208 signatures.

You know what. Somewhere in a closed room, with just a few folks deciding, they abridged the decision by the House, the decision by the Senate, and explicit decision by the conference committee of which I was a member, with respect to broadcast ownership in television. I think that is a horrible policy choice, aside from the fact that, in my judgment, it casts aside all the rules as to how we do business.

It is fundamentally wrong for this Congress to weigh in and say, by the way, the sky is the limit; own everything you want. Let's have one company owning 3,000 radio stations. Let's have two companies owning all the TV stations. You know that the FCC rule says that in one big American city it will be just fine if you own three television stations, eight radio stations, the cable company, and the major newspaper. That is fine.

It is not fine with me. It is not the way things ought to be in this country. Yet it doesn't matter how we vote in the Congress. What matters is what a few people stick in an omnibus report that comes to us, which contains provisions that were not debated and not supported by either the House or the Senate. Why? I will tell you why. On virtually all of these issues, the White House says if you mess around with what we don't like, we will veto this.

We have compliant folks who bow and say if you say ''veto,'' let us take it out. By all means, let us satisfy the White House, forgetting, I guess, that there are separate branches in the Government. We are not the White House.

The President has not vetoed a thing since he has been President. If he wants to, that is fine. Does he want to make his first veto the country-of-origin labeling, or the issue of overtime? Does he want to make his first veto broadcast ownership limits? Maybe he wants to explain that to the American people, when the question is whose side are you on? The answer from the White House must always be that they are on the side of the big interests. Maybe he should explain that. But we will never, apparently, confront those issues of the veto threats because in every circumstance in this Omnibus, things were put in, or things were left out that thwart the will of the U.S. Congress.

What happened here is arrogant, just plain arrogant. So if you wonder why we are upset, I have explained three of them: overtime, country-of-origin labeling for food, and broadcast ownership. There are six or eight. I could go through more, but I will not. This is wrong, what happened to this conference report, flat wrong.

The majority leader is a good man. I am proud to serve with him. When he says to us let's have some bipartisanship, I say to him absolutely. But what they did on a partisan basis is arrogant.

There are provisions in this conference report that shouldn't be here, and provisions that should be here that were taken out. It was arrogant. They know it. This is not something we are going to allow to happen again. This place cannot and will not function this way.

I want this to be a bipartisan institution as well. While we might disagree from time to time, and we have people of good character having a raucous debate, that is just fine. This country will get, in my judgment, the benefit of what all of us have to offer if we have a good debate. I think Republicans have something significant to offer our country, as do Democrats.

There are times when we have aggressive debate about issues, and we pick the best of a competition of ideas. There are other times when we work together where we are near unanimous agreement. But this is not the way to work. This mistreats the minority. We are a significant minority at this point, just a vote short of a 50/50 Senate.

What happened here will not be allowed to happen again. I say that to the White House and to the majority. We insist on some semblance of bipartisanship.

Let me make one final point. Not only on this but on other issues, the majority decided not to have conferences. They would have what is called ''a virtual conference,'' in which they would conference with themselves and exclude Democrats. That will not happen again in this Congress either. We will not appoint conferees unless there is a commitment from the chairman of the committee that the conference will meet with both members of the conference, Republican and Democratic caucuses.

Even more than that, we will not allow again something like this to happen: seven appropriations bills put in one omnibus and then in the middle, a little folder is stuck in that abridges the rights of the majority and minority with respect to specific votes in the Congress. It is not the right way to do business.

I accept the majority leader's call for bipartisanship. As far as I am concerned, sign me up on things on which we can work together. I want to do that. People of good will should do that for the good of this country. But we cannot call for bipartisanship unless we renounce the tactics that created this conference report with respect to overtime, country-of-origin labeling, broadcast ownership, and other issues. Those people have a voice in this Chamber as well—people who work hard, people who are consumers. They have a right to be heard in this Congress, and they were not with respect to those provisions in this Omnibus bill.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a concurrent resolution which I shall send to the desk correcting the enrollment of the omnibus conference report restoring the media ownership language to that which the conferees had originally agreed to; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

Mr. BOND. On behalf of the Republican leadership, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DORGAN. Mr. President, my colleague from Missouri and my colleague from Rhode Island are waiting. I thank them for their indulgence. I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that after I finish my remarks, the Senator from Rhode Island be recognized.

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

Mr. BOND. Mr. President, I have come to speak about the Omnibus appropriations bill. I say to my good friend from North Dakota, sometimes it is frustrating. We spent 8 years with an administration of his party, and there were many times we had to change appropriations bills. We had a very frequent presence from the Office of Management and Budget, and in order to get bills signed, we had to accede to Presidential requests.

In this bill, obviously, there are some very important provisions. When we are talking about country-of-origin labeling, the concern that comes to many of us in livestock-producing States, cattle producers and hog producers, if you are a small independent operator and you don't have a totally integrated operation, you have a very difficult time getting a total life history of every animal you might want to feed out and sell.

The ability of a large integrated operation which goes from cow calf to feeding, finishing and slaughtering, they are in a great position to live with the country-of-origin labeling. There are some real problems, which is why we asked for a delay in the implementation of the country-of-origin labeling. There had been a new proposal for an animal identification system which would make that prospect possible. In the absence of that, many of the individual small cattle ranchers and hog producers in my State think it would be impossible for them to sell their animals.

There are some conflicting needs. Those had to be resolved and, like any measure, an Omnibus appropriations bill has provisions in it that some people don't like. Certainly, in almost every appropriations bill on which I work, there are provisions I don't like. But we have to get it passed by both Houses. We have to get it signed by the President.

I am here today to urge that, No. 1, we move quickly to adopt the Omnibus appropriations bill and that we get on and work on a bipartisan basis without delays, without having to invoke cloture to pass appropriations bills for the coming year.

With respect to the Omnibus appropriations bill, I wish to call the attention of my colleagues to some very important provisions. There are problems that are happening every day because we were not able to pass the Omnibus appropriations bill in December. We worked on a bipartisan basis. The distinguished ranking member of the VA–HUD Subcommittee, Senator MIKULSKI of Maryland, and I put together what is a very difficult bill, but we think it is a very important bill. Probably the most significant part of it is for medical care.

The Omnibus appropriations bill provides $28.3 billion in funds, including third-party insurance collections. This amount is $3.1 billion over the fiscal year 2003 enacted level and represents a 12.3 percent increase over the previous year's enacted level, the one that will have to stay in effect if we continue to work under a continuing resolution.

At this point, our problem is we either pass this bill or go back to a continuing resolution. The figure of $3.1 billion less for the current year means great hardship, great delay for our VA health care, among other things.

Make no mistake, these funds are urgently and desperately needed by veterans, especially for those who return from Iraq and the global war on terrorism.

If my colleagues visit, as I have, VA facilities, the Washington VA, and the VA facilities in my home State, anyplace they go they will find there is a tremendous delay in the ability to care for and take on veterans who qualify under the greatly expanded eligibility scope the Congress has mandated on VA. There is a great delay in taking care of many of these people.

According to a VA analysis, there are 15,813 service members who served in Operation Iraqi Freedom who have been separated from military duty as of September 22 of last year. Among these service members, almost 2,000, or 12.5 percent, have sought VA health care during 2003.

Every day we hear unfortunate and sad news of American soldiers killed in Iraq. As illustrated by the VA analysis and scores of news reports, there are thousands of service members who were fortunate to live but were wounded in combat. As reported last October 1 by USA Today:

> At least seven times as many men and women have been wounded in battle as those killed in battle.

As these wounded service members are discharged from the military and confront new and challenging hardships in piecing together a new life, most of them will depend upon the VA to meet their needs. I personally met some of these service members when I visited Walter Reed Hospital last month. I visited the VA facilities. I visited service members, such as Phillip Ramsey from Kansas City, MO, who was badly wounded in Iraq and will ultimately require extensive, long-term care from the VA system as well.

Further, we know that the demand for VA medical care is not going to lessen. We have already seen the VA medical care system being overwhelmed by the staggering increase in demand for its medical services.

Since 1996, VA has seen a 54-percent increase, or 2 million patients more, in total users of the medical care system. Further, the VA projects that its enrollments will grow by another 2 million patients from a current level of 7 million to 9 million patients in 2009. Getting the funds that we have approved in the Senate, approved in the conference committee, approved on the floor, and signed by the President is absolutely essential.

In addition, construction projects for new medical facilities and improvements to existing facilities will not go forward without this Omnibus bill passing. Under a year-long continuing resolution, the VA would not be able to begin funding construction for new facilities in Las Vegas and Orlando. Further, funding for the development of 48 high-priority, new, community-based outpatient clinics, and a number of new nursing homes will be curtailed.

In the years I have worked with the VA in my current position, providing community-based outpatient clinics is the most effective, humane, and efficient way of delivering service to VA-qualified veterans who would otherwise have to travel perhaps as much as hundreds of miles to get primary and routine care.

In another area, for 2003, pharmacy costs rose over 11 percent, and the VA is continuing to see increasing demands for prescriptions each month.

The continued rising demand for prescriptions is stripping funds from other priority areas as VA continues to operate under last year's funding level. Furthermore, the VA provides a high priority to the highest quality of life long-term care for each of its elderly veterans. The VA planned to expand its program by over 20 percent this year, but the VA will not be able to expand its long-term care services under a continuing resolution funding authority. This, in my view, is not the way we should treat the men and women in uniform who have served America.

The VA has made significant strides in improving claims benefits processing, but the VA's efforts would again be curtailed under a continuing resolution. The VA is currently on track to reach their goal of no longer than 100 days to process these claims, down from 233 days, which it was previously. They are trying to get there by the end of 2004. However, with a continuing resolution level at the 2003 level, the current year, the Veterans Benefits Administration would have to cut 500 full-time employees. Such a reduction would be catastrophic to the timeliness of claims processing and the expeditious delivery of benefits such as pensions to the needy, education benefits, and home loans.

At a continuing resolution for 2003 funding level, the VA cemetery services would be critically impacted and would result in delays in awarding shrine commitment contracts, awarding grants for State veterans cemeteries, and a reduced level of staffing that would negatively impact cemetery maintenance.

America's veterans rely on the VA to provide the services they need and have earned. Now is not the time to reduce funding levels, and that is one reason I urge my colleagues to approve this Omnibus bill.

In HUD, Housing and Urban Development, under a continuing resolution, the Section 8 Voucher Program for the needy who get housing through a voucher provided by the Federal Government would be $2.1 billion short. That would result in tens of thousands of low-income families without rental subsidy assistance and potentially displace them. Certainly, that is not something we want to see done. That is another reason we have to pass the Omnibus bill.

For the Federal Housing Administration single family and multifamily insurance fund programs, the continuing resolution's limitations for the mutual mortgage insurance and general insurance/special risk insurance programs will be hit well before the end of the fiscal year. That would result in a suspension of new mortgage activities for a wide variety of home ownership and multifamily housing programs.

Moving on to NASA, our space program, under a year-long continuing resolution space science activities would be reduced by approximately $425 million from the amount included in the 2004 Omnibus appropriations conference report on the VA/HUD and independent agencies. Space science would be forced to accommodate the reduction by cutting missions that are currently in the pre-development phase, both technology and advanced concepts, which would likely result in delays to missions on origins, solar space exploration, and Sun-Earth connections.

NASA is also relying on the 2004 omnibus level for the space shuttle program in order to accommodate return to flight requirements. If forced to operate under a full-year CR, the ability of the space shuttle to accommodate these return to flight requirements would be reduced by nearly $60 million.

Finally, the Corporation for National Community Service would be forced to limit grant awards to AmeriCorps programs throughout the country since the CR does not provide adequate funding to reach the President's goal of 75,000 volunteers. Under a year-long CR, the corporation would only be able to support between 45,000 and 47,000 members, about 40 percent less than provided under the Omnibus appropriations bill.

We went through a period of problems that have occurred in the Corporation for National and Community Service. Senator MIKULSKI and I worked to help them straighten out the problems. On a bipartisan basis, they have had strong support for getting back to the great work of the many volunteer programs, including AmeriCorps. Without this funding, there would be a drastic setback and we would find that the level of activity would be significantly reduced.

These are just some of the reasons, from the perspective of the VA/HUD and Independent Agencies Subcommittee bill, which is included in the Omnibus bill, why I hope colleagues on both sides of the aisle will agree we need to get on with this bill and go to work on the current year's business. We have far too little time to deal with all of the things we must deal with, and I hope we could get on with the job.

Mr. REED. Mr. President, I express my deep concern about several provisions contained in this omnibus legislation. Many of these provisions were in direct contradiction to the bipartisan actions of this Senate and the House of Representatives. It is alarming to me that in an Omnibus appropriations bill that the will previously expressed by both the House and the Senate would be contravened so arbitrarily and so dramatically. I am concerned about the process, as well as the specific issue that I come to speak about today.

First, tucked into this massive spending bill are several out and out gifts to the gun lobby. Some were included in a controversial House amendment and another was slipped into the bill later by the Republican leadership without a vote by the House and Senate conferees. That is highly unusual and, in terms of procedure, very dangerous to the functioning of this body and, indeed, to the constitutional obligations we must perform.

These provisions, with respect to guns, reduce law enforcement's abilities to carry out their responsibility to enforce our Nation's gun laws, and they do not provide any benefit to law-abiding gun owners. The other people who benefit from these provisions are criminals and prohibited purchasers, those who should not have firearms, according to the laws of this country. Again, I hear time after time that all we should do with respect to gun safety in this country is just enforce the laws. This is the mantra of the NRA and of the gun advocates. But how can you enforce the laws if law enforcement authorities are required to destroy information they obtain through the gun sales procedures under the Brady Act?

From the beginning, this attack on law enforcement's authority has been highly suspicious. According to a report in the Washington Post on July 21, 2003, Representative TODD TIAHRT, in the words of the Washington Post ''surprised many of his fellow Republicans'' when he offered an amendment in the House Appropriations Committee. In fact, Representative FRANK WOLF, who chairs the Commerce, Justice, State Subcommittee on Appropriations, objected to the amendment, saying he had not had time to review it prior to its presentation. But Representative TIAHRT refused to withdraw the amendment and he won passage on a 31-to-30 vote, over the opposition of Chairman WOLF and Appropriations Committee Chairman BILL YOUNG.

Meanwhile, Mr. TIAHRT assured his colleagues that the NRA had reviewed the language. He said, ''I wanted to make sure I was fulfilling the needs of my friends who are firearms dealers'' and that the NRA officials ''were helpful in making sure I had my bases covered.''

This insertion of language over the objections of the subcommittee chairman and the full Appropriations Committee chairman, at the behest of the NRA, to take care of your friends who are firearms dealers is not what we should embrace in this Omnibus appropriations bill.

In the conference between the House and the Senate, appropriators modified several of the provisions on a bipartisan basis of the original amendment offered by Representative TIAHRT. But the Republican leadership later inserted a most objectionable item over, presumptively, the objections of the committee chairman and the subcommittee chairman. The provision would require the FBI to destroy approved gun sale records within 24 hours.

The 24-hours-records-destruction provision would put more guns in the hands of criminals by preventing the FBI from discovering and correcting erroneous gun sales under the National Instant Criminal Background Check System.

Currently, approved gun sale records are retained for 90 days to allow the FBI to perform audits of the National Instant Criminal Background Check System, to ensure that if criminals or terrorists or other prohibited purchasers have acquired such a weapon incorrectly, and contrary to law, that these mistakes can be corrected, that the guns can be retrieved. This is not an imaginary problem. The General Accounting Office found that the during the first 6 months of the 90-day retention policy, the FBI used retained records to initiate 235 firearm retrieval actions, of which 228, or 97 percent, could not have been initiated under the next-day destruction policy required by this Omnibus appropriations bill.

Let me repeat that. In a 6-month period, the auditing of these records enabled retrieval of 235 firearms that were in the hands of prohibited persons—criminals, people who were spouse abusers, the whole category of perpetrators who are prohibited from having firearms because of their records—235. If this rule were in effect then, they would have recovered 7, leaving 228 with dangerous individuals whose conduct has already underscored their unworthiness to carry a firearm. They would have had these weapons. I can't see any other result of this policy than to put more weapons in the hands of identified criminals or identified violent individuals.

No one in this country is walking around saying let's give violent criminals more guns. Again, the mantra is: Just enforce the laws. Make sure those criminals don't have access to weapons. This provision cuts at the heart of all the rhetoric and all the hyperbole about ''just enforce the laws'' and ''guns don't kill, criminals kill,'' and exposes a grotesque miscarriage of justice. That is why organizations such as the International Association of Chiefs of Police and the FBI Agents Association oppose this provision.

But that is not all that is included in this Omnibus appropriations bill. The bill would also prohibit the ATF, the Alcohol, Tobacco and Firearms Bureau, from finalizing a proposed August 2000 rule that would require gun dealers to conduct an annual physical inventory of the weapons in their possession. The purpose of the proposed rule is to allow dealers to go ahead and identify missing and stolen firearms and report them to the ATF in a timely fashion.

You would think every responsible dealer in this country would conduct periodic inventories and, as soon as a weapon was discovered missing or stolen, their first instincts would be to contact authorities. But we know that is not the case because this community of Washington, DC suffered through a string of sniper killings months ago that traumatized not only Washington but the entire Nation, and this string of sniper killings can be traced back to a weapon at Bulls Eye Shooter Supply, the gun seller where John Allen Muhammad and Lee Boyd Malvo obtained the assault rifle used in these attacks. After the snipers were apprehended, the gun was recovered and was traced back to Bulls Eye. What did they say? They had no record of selling the gun. They didn't even know the gun was missing until the shooting spree was over. The snipers' gun was just one of more than 238 firearms missing from Bulls Eye's inventory during the previous 3 years—a dealer who is missing 238 weapons in a 3-year period, one of which turns out to be the murder weapon in one of the most heinous assaults in the United States in many years. The ATF proposal requiring dealers such as Bulls Eye to conduct annual physical inventories is still pending. We should be urging them not to suspend this rule but to enact this rule. What could be more commonsensical, more obvious, after the sniper killings in Washington, than allowing the ATF to promulgate a rule so there is at least a physical inventory and requirement to report missing weapons?

We have learned nothing from the deaths of these people. We have learned nothing from the death of Conrad Johnson, a bus driver sitting in his bus reading his paper at 6:30 in the morning, supporting his family—his wife and his children—who was killed by these snipers.

This, to me, is preposterous. Yet here we are, trying to take an omnibus bill, holding billions of dollars in appropriations for all the programs my colleague from Missouri talked about that we all support—holding them hostage to provisions like this, to provisions that fly in the face of our experience and that undercut all the rhetoric when we talked about learning from the mistakes of the past, from ensuring that criminals don't have weapons, from enforcing the laws. We are undercutting the ability of law enforcement to do their job.

Finally, this bill prohibits release of any information regarding firearms production or sale that is required to be kept by gun dealers or manufacturers. In addition, no information or records regarding multiple handgun sales—where two or more handguns are sold to the same buyer within 5 days—or crime-gun-tracing information that is reported to the ATF could be reported to the public. No, let's throw a cloak of silence over all of these laws, eviscerate the regulation, and prevent any disclosure of information that should be public.

ATF has in the past made this information available under the Freedom of Information Act, but this information has been used to highlight some of the discrepancies and difficulties and deficiencies in our gun laws. As a result, the gun lobby doesn't want it out: No information, no knowledge, no problem. That is not right. There are problems here, problems we should address responsibly, and we are undercutting a responsible approach to ensuring that the present laws on the books are enforced. So the next time someone stands up and says just enforce the laws, remember you can't enforce the laws if you don't know how they are being enforced—and that is the purpose of this provision—and you certainly can't require law enforcement authorities to enforce laws when they are prohibited from having the information to do that.

This is an important right for the public to know, particularly with respect to firearms tracing from crime scenes. As a result of publicly available information, there have been identified several firearms dealers who were the source of a preponderance of weapons at crime scenes. That is valuable information, not only to law enforcement authorities but to the general public, and that information should be public.

We are facing numerous problems about gun violence. We have the threat of terrorism. Last night the President spoke repeatedly about terrorists. This is a situation made to be manipulated by terrorists who want firearms. If the record of their purchases is destroyed in 24 hours, if there is no requirement for an inventory of weapons, think of how we are setting out a situation that can be exploited, not just by criminals but by people with even more malign designs on this country. We are doing it and we are doing it in the middle of the night, figuratively speaking. None of these issues was fully debated, particularly the destruction of records within 24 hours. Procedurally we should reject it. Substantively we should reject it.

There is another issue we should be concerned about that many of my colleagues mentioned, and that is the overtime rule for American workers.

Last year, the administration announced its proposal to significantly weaken overtime protection. The proposal would take away from many hard-working Americans their ability to earn enough to support their families. The timing of this proposal is even more egregious. It comes during a period when more and more Americans are struggling to make ends meet and while the country is bleeding jobs overseas.

It was announced this week that IBM was going to hire 15,000 people this year. The only problem is that they are only going to hire about 1,500 in the United States.

Yet for those people who are struggling to find jobs, to keep jobs, and to better their lives, we are telling the employers they do not have to pay overtime. It doesn't make sense to me. It doesn't make sense to this Senate because on September 10, the Senate passed a measure to prevent millions of American workers from being stripped of their overtime. We acted in a bipartisan fashion. In doing so, we reaffirmed our support for protecting these hard-working Americans.

Unfortunately, safeguards to overtime pay were stripped out at the President's request, again leaving Americans vulnerable.

At a time when the President is talking about job growth and providing additional benefits to families, why does he want to weaken the laws designed to create jobs and to protect hard-working Americans? We know what is happening today. Employers are not hiring full-time workers. They are extending the hours of their existing workforce because of the pressures they face. When you lower the number of people who qualify for overtime pay, that is an incentive to continue that practice of simply extending the hours of current workers and not hiring new workers. This will go against our hopes by all, I believe, that this year our economy can start hiring people again—not simply adding a few hours to the workday of existing workers. But certainly those few hours of additional work deserve to be compensated by overtime. This law cuts it. About 11 million workers receive overtime pay. Many understaffed fields such as nursing are required by law in many communities to pay mandatory overtime. Yet under this rule, that mandatory overtime would not in all cases be compensated.

Other workers rely on this extra income simply to make ends meet. The people who are in danger of losing their benefits are health care workers and technicians, paralegals, restaurant workers, draftsmen, therapists, retail managers, news reporters, police officers, firefighters, and even military reservists.

What I find most objectionable is that this proposal basically says that reservists who are coming back who have had certain kinds of training in the Armed Forces are no longer considered eligible for overtime pay. This is preposterous. These individuals could literally have left their employment a few months ago to respond to the call of the Nation in a time of danger and receive some training while they are in the military, or have that training before on the weekends as a reservist, and now find themselves penalized for the training they received in the military in terms of getting overtime pay. That is preposterous. That is what this rule would do. It could affect thousands of military reservists. That is not only unfortunate in individual cases, but that is a stunning snub to Americans who are risking their lives in serving their country collectively.

I again am amazed that such a proposal would even be submitted, and I am more amazed that we would, today, be prepared to vote on it in this Omnibus appropriations bill.

American workers work more hours than any others in the world—1,900 hours per year. Yet, still, they need more to get by and to make ends meet.

I am amazed that the administration would continue on this track of undercutting overtime in the United States, and I am extremely disappointed. Rather than trying to undercut the wages of Americans, we should be looking for ways to increase the wages of Americans.

I think these two provisions are problematic. Many more of my colleagues have spoken about that and have called into serious question both the procedures that brought us here and certainly the substance of these proposals.

At this time, in conclusion, I would like to propound a unanimous consent request.

I ask unanimous consent that the Senate proceed to the immediate consideration of a concurrent resolution which I shall send to the desk correcting the enrollment of the omnibus conference report; the resolution strikes the language which requires the FBI to destroy gun purchase background check information after 24 hours; that the current resolution be agreed to, and the motion to reconsider be laid upon the table.

Mr. McCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, this is a time of challenge, and it is time for the Senate to step up to meet those challenges.

As the President carefully outlined last night, because of the filibuster in the Omnibus appropriations bill we find the Senate almost 5 months into the fiscal year still wrestling with the remaining funding bills from the year in which we are currently involved. We started a new calendar year trying to finish the business of last year. The Omnibus legislation is finished, and it is ready to pass except for the filibuster. With its passage, the Senate will finally complete last year's business.

To be sure, much of the Nation's business was accomplished by the Senate last year. We had hoped to be able to finish the appropriations business last December. In fact, last year the President called for an economic growth package to create jobs. The Senate passed it, and that plan is clearly working.

Last year, the President called for a Medicare drug plan so that our seniors would never have to choose ever again between groceries and needed prescription drugs. The Senate passed it and that help is on the way for our seniors.

Last year, the President called for full funding for homeland security. The Senate passed it, and America is safer.

Last year, the President called for funding of the liberation and reconstruction of Iraq. The Senate passed it and freedom is rising.

In normal times, that would be indeed a phenomenal record. But these are not normal times. These are times of unprecedented challenges.

The Senate's historic pattern of studious delay is out of touch with these demanding times in which we find ourselves.

This filibuster needs to come to an end. To that end, each Senator must ask themselves the following questions about the funding of the Government: Should funding for most Federal departments and agencies be at the levels we agreed to in the last budget resolution, which we negotiated with the President, or should it be funded at a lower level and perhaps not at all? Should we fund the FBI at $320 million less than we planned, even though most of that goes to their counterterrorism activities? Should we fund embassy security at the State Department with the extra $15 million we agreed it needs for safety? Should we improve food security by providing the Food Safety Inspection Service with the additional $20 million we agreed to? Should we keep faith with those who have borne the brunt of battle in the war on terrorism by providing veterans medical care with the extra $3.1 billion we agreed to?

These questions obviously answer themselves. Instead, we wrestle with these questions still as we try to fund these programs. As we try to fund the Government for this year at the levels agreed upon in last year's budget resolution, we cannot begin to set the budget priorities for next year. The Senate cannot meet the demands of tomorrow if we are, today, revisiting the agreements of yesterday.

The demands of tomorrow are not going to go away. As the President stated last night: We may believe the danger of terrorism is behind us. That hope is understandable, comforting—and false.

The President is right. We have done much to improve America's security: our economic security, our health security, our homeland security, and our national security. But it is false hope, indeed, to believe we have done all that can be done or should be done. Economic security is improving as the economy grows and the unemployment rate declines. Health security has improved with enactment of a prescription drug benefit in Medicare for seniors and enactment of health security accounts for workers.

While homeland security has also improved, more must and can be done, but not if we are wrestling with the FBI budget of last year.

The national security needs in the coming years require our full attention, but that is not possible if we are still fighting to fully fund the State Department embassy security for last year.

Thomas Jefferson advised us that eternal vigilance is the price of freedom. Ever since he stated those words, America has tried to assess how they apply to us at a particular time and as we confront a particular challenge. The President has assessed the unprecedented challenges of our times and provided unprecedented leadership.

Our Nation has responded to the challenges as well. From issues of security to issues of prosperity, our country is moving forward behind the President's leadership.

The Senate should respond as well. But when we delay this bill for no reason other than for delay itself, we are not meeting the challenges of our time. This is a bill that should have been passed months ago.

There is a price for delay. We see it in the reduced funding of the FBI, embassy security, food security, and, of course, veterans health benefits.

We cannot yet see the price we will pay tomorrow for our delay today, but it is surely there. We delay setting the priorities for next year and building upon the security we have achieved in the last 3 years. We delay making our Nation safer and we delay making our economy stronger.

In these times of challenge, the time for delay is over and the time to act is now. It is my hope and the hope of many Senators on both sides of the aisle that tomorrow we will be able to wrap up the business of last year, finally, and get this important Omnibus appropriations bill down to the President for his signature so we can begin the work of the year in which we currently find ourselves.

The Senator from New Mexico is here. I yield the floor.

Mr. DOMENICI. Mr. President, I thank Senator BOXER who was entitled to go next. Before she got down here, we intervened and asked her if it would be possible I go ahead of her. So I will be next. We are trying not to break the commitment of one side and then the other side, but I will not be here if I cannot speak now. I am on my way to New Mexico to meet the President, ultimately in Roswell, NM.

Mr. President, I said yesterday to a large group of Senators that it is about time now to speak about the energy situation in America since we have a bill before the Senate that missed, in terms of filibuster, by two votes. That means that in normal times that bill would have passed handsomely.

What is happening around here, if you do not get your way, instead of voting on a bill, you threaten to filibuster. The American people have probably seen more 60-vote issues in the Senate in the last 5 years than in modern history. Almost every issue is turned into a 60-vote issue by a threat to filibuster. That was done on the Energy bill.

My friends, I can state what is happening but most of it is right in front of your face. We have the worst case scenario in much of the energy-consuming areas of the country, from the Rockies to New England, with the coldest 10- to 20-day period since the winters of 1977 and 1978. It was 14 degrees at my house this morning a block and a half from the Hart Building. Accuweather is predicting within 2 weeks we could have the coldest weather we have seen in 25 years.

Some people love the cold. Some people love the snow. But the point is America should not be brought to its knees economically and otherwise because we have a cold winter. We are looking at a point in time not too far down the line when the major sources of energy for Americans will be so expensive that the American people will wonder what happened.

I am stating what is happening: Three or four Senators will not let us pass an Energy bill. That is what is happening.

Yesterday, natural gas was over $6.50. To put that in perspective, when I first came to the Senate people—people can look at me and guess how long that was; some would say I look as if I have been here 100 years; some might say 15 years. I have been here 31 years. Ten years after I came here, we were talking about deregulating natural gas and the price of natural gas was 38 cents. Compare that to $6.50.

We can look around the world and see what is happening. The great big monster economy called China has decided they do not have enough energy for their growth. They cannot find a way to quench their thirst for oil. Nobody knew that. It just came upon us. China, the fastest growing economy in the world, has put the word out: Buy oil. And even more than that: Buy the oilfields. Go invest money with oil companies and start owning the oil in the world. The underlying theme is China's thirst for natural gas, as well as to fuel its industrial revolution.

Yesterday, China reported economic growth of 9.9 percent. When there are over a billion people—1.3 billion or 1.4 billion—and they finally decide to take on some aspects of capitalism, they are producing overwhelming amounts of goods and services for themselves and for the world. Whether their leaders call themselves Communists or not, they love dollars and they love to produce things and sell to the world. They are a huge problem. But China is not alone. The population and economic growth is creating a voracious new demand for energy and the world is following in our footsteps.

The bottom line is we are allowing ourselves to become increasingly dependent upon imported energy. We used to say ''imported oil.'' Now I can say ''imported energy'' because we are beginning to import, or will have to soon, natural gas, liquefied natural gas. We will have to buy that from overseas. And we ourselves will become dependent upon foreign natural gas just as we have grown dependent on oil but it will happen quicker and be more devastating.

Yesterday, unknown to most, a terrible event occurred with reference to the production of LNG, natural gas's substitute. A plant blew up in Algeria. Who would have been worried about it? Why would a Senator from New Mexico even have read about it 10 years ago? Well, we did not care about it because we did not use it. But a plant blew up. Forty-three people died, and all the production of LNG went out the window. Now, that is not our production. I should not be here crying about their losing it. But what I am telling you is, they are not producing LNG to give it away. They are producing it to sell and to sell to us.

The bottom line is, we are allowing ourselves to become dependent upon imported energy. The EIA predicts that 36 percent of all our energy will come from overseas by the year 2025; up from 26 percent in 2002. Just think of that.

I believe some of my colleagues who do not like the current Energy bill and who want to duck and hope the energy prices will come down are going to just wait and see. They will not be coming down; they are going to go up. And when the question is asked, what did we do about it, it is going to be easy for some of us. We are going to say there was a chance to pass a bill, and because of two Senators it did not pass. Two Senators decided they would not vote for cloture, so the Energy bill, which would have done a lot of things which I will quickly outline in a moment, was not passed.

First, let me tell you about a couple things that we hear about often that the bill does not have in it. The bill does not have a change in the CAFE standards on automobiles. Because of that, some of my friends on the other side of the aisle, including the distinguished junior Senator from New Mexico, say this bill should have that in it and we have shirked our duty.

Let me say to all of you, what do you do when one House of the Congress does not want something? And what do you do when you cannot pass it in the Senate, you cannot pass CAFE standards in the Senate, and if you passed it in the Senate, the House will not take it? Let's talk it up. It might be something we ought to be doing, but you cannot do it. Does it mean we should quit, and it does not mean that is enough to kill a bill?

Secondly, MTBE liability. You all know what that is. It is in the bill because the House insisted upon it. Is it the end of the world? I do not think so. Is it enough to kill an energy bill? I doubt it.

A renewable portfolio standard means one group wants to not only give a wonderful tax credit to windmills and solar energy, but they want to mandate a percentage each State must produce. That is what these words mean: renewable portfolio standard. It is a mandate of a percent. Isn't that interesting? Every State does not have wind, but they are mandated to produce a percent of their energy from wind. Can you imagine what is going to happen administratively? They are going to have to buy credits or they are going to have to do something, because this law would do that.

Frankly, the Senate did not want it, and the House did not want it, but a few people said: We will not vote for the bill unless that is included. How do you put it in when over half the people in both bodies will not vote for it? Certainly, the House told us, in 30 seconds: Do not talk about a percentage, a mandate. We will never put it before the

House. We do not want it. That is the end of it.

Now, we all know ANWR is still hanging around, we all know the giant issue of offshore drilling is still hanging around, and they are not in this bill.

Like it or leave it, the bill represents the current consensus position of the Congress. If we were looking at 51 votes being necessary, which is what you usually need, this bill would be over with, the points of order would be done with, and we would be on our way to doing what it does.

I believe the deal before us is the only one that does enough, that can currently be reached. I do not believe it is possible to go back to the table and negotiate a different agreement. Why? Because whatever we bring to the floor will be debated ad nauseam.

The last time we tried to pass a bill to go to the House with, you all remember, there were 370-plus amendments pending up there at the desk when we struck a deal with the Democrats to take last year's bill. Remember that? That meant they were not very interested in helping us get a bill then. That is something I direct at a number of Democrats who might not have thought they were doing that, but that is what they did. Luckily, the minority leader said: Why don't you take last year's bill, and I told our leader, BILL FRIST: Take it. I think they could not imagine we would take it. We took it and went to conference. And then, of course, we could negotiate around all the bills.

(Ms. MURKOWSKI assumed the Chair.)

Mr. DOMENICI. I know if we are going to be able to get 60 votes for this agreement—I do not know if we are going to be able to, but, frankly, there is part of me that is quite all right with that. As prices and imports rise, Members are going to begin to reconsider their position. They are going to begin to reconsider their opposition to domestic production. I believe at some point, if we do not take intervening steps, we will be forced to open ANWR.

I say to the occupant of the chair, which you have been advocating since the day you arrived, and for the many days you were in your State legislature, unless we get control of this situation, I think we will find ourselves confronted with that decision, sooner rather than later.

As much as we possibly can, without a new political consensus about energy, this bill addresses the following problems. This is a minimal list.

One, it makes regulation of the electricity grid predictable so new investment can flow into the transmission system. It is a huge part of our problem.

Two, it encourages massive new construction of windmills—60 gigawatts is expected, at a minimum, of new wind power, about 10 times the current amount. Why? Because this bill makes the production tax credit permanent. And listen up. It expired as of January 1. It is not there for those who are building windmills. They know it is gone. It is in this bill. It is there for biomass and a lot of other things.

Now it makes a new generation of clean coal possible through tax credits and research and development. As gas prices climb, we are going to burn more coal. I would like that to be as clean as possible, and this bill makes that possible.

It results in more domestic oil and gas production.

It will result in the construction of perhaps four nuclear powerplants. Some other things have to happen, but it opens the door.

Frankly, I believe that for this world crisis I have been talking about, of everybody wanting more energy, there are only a few ways to dampen the impact of that on the world. One of them is going to be new, modern, different nuclear powerplants. No doubt about it, that is going to be one of them. America led the way. We ought to continue leading the way.

This bill will result in encouraging the use of hybrid cars because there is a big tax credit for them. In fact, those companies that are exploring them believe they could never sell them without the credit provided in this bill.

It massively expands our use of domestically produced ethanol, meaning our farmers will be more in command of their future and their destiny than ever before.

Needless to say, bills do strange things. This bill is more for the farmers than anything else we have ever done. Everybody knows it. I asked yesterday in the presence of 30 Senators, those who have big farms and much corn production, would you tell me what the most important issue in your State is? Is it ethanol? Every farm State Senator in that room said it is the No. 1 issue in their States.

How many times have we taken the floor of this Senate since Senator REID and I have been here, when Senators have come and said: We have to do this for all the farmers? It just happens that the farmers are in this bill. It is going to produce a substantial amount of gasoline because ethanol is an additive that will expand the use of gasoline immensely. So throw it away because you don't like some provision or you believe what many have been saying about this bill—that it has too much pork in it.

Well, I can tell you that if we have time available at another time, we will talk about the pork. I will tell you about one piece, and it has been written many times because one Senator used it on the floor twice. It has to do with a new plant that might be built in my State, which will be the construction of a new plant for highly enriched uranium. We only have one such company in America. Shameful. We used to have all that market. This company that exists now doesn't want a new one built. They have sent to Senators and newspapers around the country an unsigned document where they maliciously and erroneously talk about that plant. Some people have refused to use it, thank you, because they didn't sign it. Nobody signed it. But somebody used it on the floor of the Senate and said that New Mexico stood to gain $500 million to $700 million, and what a shame that such pork is in the bill.

That isn't even in the bill. Read it. It says anybody who wants to build a new plant of that type, two things will happen—it says anywhere, not just New Mexico. The license will be approved in 2 years and, second, if they want to make an agreement for the Federal Government to dispose of their waste, they can make one, and they will have to pay the Federal Government full price. What this company—which wants no competitor to be built—did was price out what you might have to pay the Government, and then said we are giving it to a State—a total unequivocal fabrication.

Many of the other so-called lard matters in this bill have been matters that have been around here for years for States that produce much of our oil and gas. They finally got a chance to have some equity done to them. When you finally get there and you have the best package you could ever put together, I don't know why we have Senators who find excuses. I think it is because they don't believe there is anything that can be laid to rest on their shoulders in terms of what they have done for this great country and what they have failed to do.

I actually believe that of all the things domestically that the President of the United States mentioned, and all the things we will be debating, there is nothing more important than what we do about our energy availability for future generations. It is No. 1 in my book. You have not heard much from me because, after working for months on it, I was shocked that I could not get 60 to vote to get around a filibuster. I believe sooner or later those who have done this to this bill will pay the piper politically. I say to our President: I believe you ought to be pushing this bill a lot harder.

Some worry about its cost. Let me tell you, the cost of this bill is infinitesimal compared to the cost to future generations of not producing natural gas from Alaska, leaving it up there instead of bringing it down here, and all the things like that which are in this bill. It is absolutely crazy. Costs, say some, are too much. If everything has to be paid for, and it goes the way it says, it is $1.6 billion a year. Do you know what that means? Americans spend $400 billion a year on energy. If that is going up 10 percent, when the rest of the domestic product is only growing at 2 percent, that would be an 8-percent differential. Just do the arithmetic. Eight percent times 400 is $32 billion a year in cost growth being put on the backs of hard-working Americans.

It is time we talk real sense about this. I will not let it go. But you all know there is only so much you can do and only so much of yourself that you can give to an issue. You have one thing growing up after another that people invent and argue about, and that same person just fails to want to argue about the validity of the entire bill. It is truly something that we would look at America and say we love democracy and we love to vote, but this is one that it sure would be good if some of these things could be done by the President of the United States. Not so. Can't be. We have to go do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, Senator BYRD has time that has been reserved. He has indicated to me that he is going to speak for 2 hours. He will be here at 12:30 to begin his important discussion about the bill now before the Senate.

I understand the intensity and sincerity of the feelings of the Senator from New Mexico. As Senators know, he and I have worked together for many years on the Appropriations Committee, the Energy and Water Subcommittee, which is a very important part of our Government. He has been chairman, I have been chairman, and we have worked together and developed a tremendous amount of affection for each other. I repeat that I know how strongly he feels about this legislation. There may be some who feel differently about this bill, and whether their feelings are as intense as his is not important. But there are people who feel very strongly about this and they have problems with this bill. I hope before this year's end we can work toward having an Energy bill for this country.

There are things in the bill that are extremely important to the State of Nevada. I have personally told Senator BAUCUS and Senator GRASSLEY how I think they have done remarkably good work, generally speaking, with the tax provisions of the Energy bill. So I hope that at some time we have the ability to work something out on this legislation. I know I will make myself available to the Senator from New Mexico to see if there is a way we can narrow the gap. As the Senator from New Mexico knows, there may be two, three, or four Senators who are crucial to coming up with finality to this bill. If we can work something out to satisfy those individuals and not lose some on the other side, maybe we can do something.

I want to say this, though, to my friend from New Mexico, not in relation to the Energy bill but to the underlying bill. The Senator went to some length talking about things that both bodies did not agree on and people are upset that it is not in this Energy bill. Well, I can understand why the Senator from New Mexico, being the legislator that he is, cannot understand why if the House and the Senate by their bodies assembled have not approved legislation, how in the world you think the conference committee can stick it in when both bodies have not agreed to it. With the omnibus bill, you have the opposite situation. In the omnibus bill now before the Senate, you have the Senate and the House duly assembled who have voted overwhelmingly to support provisions, and the President and his minions go to the conference committee and say you are going to take these things out or you are not going to get a bill.

Are they things that don't matter? No. They are very important. For example, overtime. The President wants people who make more than $22,000 a year to not be eligible for overtime pay. The House and the Senate said we don't agree with the President, and we passed legislation by virtue of amendments in this body and in the House which said you cannot do that, Mr. President. The President said: I don't care what you have done in these two legislative bodies. I want it out.

Now, if that wasn't bad enough, he goes to an issue that is so important—and I repeat on the Senate floor today that Monday night we had a little family gathering, which we call ''family home evenings.'' We had our children and we went to this Caribbean restaurant with my three grandchildren who live in Washington, and my daughter and son-in-law, Landra and I. My little 13-year-old granddaughter has had mononucleosis. She has been sick and has missed a lot of school. She came to dinner. She is feeling better. She attended school yesterday. She was real hungry Monday night. One of the things with mono is you don't have an appetite. She was hungry. She ordered something she really liked, steak and fries. It had a fancy name for it, but that is what it was. She ordered steak and fries.

While we were in conversation, I heard her say to her brother who is 8 years old: Aiden, would you like some mad cow? Here are my grandchildren. They know this is bad. We know there is no way to prevent the beef that goes into this restaurant from coming from Argentina, Mexico, or Bolivia. I don't know where else they raise beef. Canada. We know they raise beef there. Even my grandchildren are concerned about mad cow disease.

In the bill that we wanted to come before this body, there was a provision in it that said you have to have a country-of-origin labeling on the meat that is sold to consumers. The President said: I don't care what the House and Senate have done; they passed these overwhelmingly, but I don't care because I want to take care of my corporate friends, and my corporate friends say country-of-origin labeling is not good; I don't care about mad cow or hoof-and-mouth disease; if you want a bill, you take this out. The Republican leadership in the House and Senate said: OK, Mr. President. And they took it out.

So now this bill, which will probably pass tomorrow, does not have that provision in it. Country-of-origin labeling is not in the bill.

I don't think that is a real good deal. It is too bad. But he did the same thing with how much ownership these big broadcasters can have.

I didn't come here to talk about this, but with what Senator DOMENICI said about if you don't put something in a bill, how do you expect it to be stuck in conference, I say if you put stuff in a bill that is passed by two duly assembled bodies, how in Heaven's name can the President in conference demand it be taken out? He has done it, especially on issues that deal with the average American: overtime and labeling of beef. It is another example of this President being the President for corporate America and not the people who work for those corporations.

Yesterday, the New York Times reported that the administration wants to increase Medicare payments to insurance companies and HMOs by a record 10.6 percent. This handout, which is five times as large as the typical increase, was mandated by the new Medicare law that passed this body by one vote.

The Congressional Budget Office estimates those extra payments to private plans will total more than $500 million this year and over the next decade $14 billion; $14 billion extra, added on that the taxpayers are going to shell out to insurance companies and these health care providers.

We could do a lot of things with $14 billion. Instead of this handout, maybe there are ways we could use the $14 billion to help Nevada. People in Nevada need health insurance. There are in America today 44 million Americans who have no health insurance, and Nevada is at the top of the list. We could cut health care costs paid by patients, improve the care they receive, and expand coverage. For example, the direct benefit created by the new Medicare bill is confusing and certainly inadequate. Instead of wasting $14 billion on this handout, we should use that money to give seniors the drug coverage they need and not give it as a sop to the insurance industry.

Under the new Medicare law, a senior must spend $810 out of pocket per year before he or she will receive a penny from Medicare. And a senior who spends $5,000 a year on drugs will be stuck with almost 80 percent of the bill. Essentially, this law will penalize our sickest seniors, the very ones who need help the most.

The new law has a huge gap in coverage. Listen to this. Once a senior spends $2,250 on prescription drugs, he or she will have to pay the full price for drugs until they get up to $5,100. Obviously, these people who are using $2,100 worth of drugs are sick. That doesn't matter. There is a hole, a big hole until they hit $5,100. They pay it all. But they have to continue to pay premiums the whole time.

Instead of a handout to the insurance industry, we could use the $14 billion to

protect senior citizens who will actually be worse off under the new Medicare bill. In Nevada, 15,000 seniors stand to lose the coverage they currently receive from former employers, and our poorest seniors in Nevada, those who receive both Medicaid and Medicare, will be forced to pay a copay under the new law, something they don't have to do at present. This will create a new expense which will be a significant burden for those with chronic conditions and disease who are struggling to make ends meet on fixed incomes.

We can use the money to provide a drug benefit now instead of waiting 2 years while our seniors struggle with the rising cost of drugs. It took less than a year to start the entire Medicare Program, and that was before we had computers. Surely, we can add a drug benefit in less than 2 years.

Finally, we need to expand health care coverage. As I said, there are 44 million people in our country who don't have health care coverage at all. In Nevada, a sparsely populated State, 600,000 people under age 65 were without health insurance last year. Most of these people, including children, are working families. They go to work every day, but they can't afford the peace of mind that comes with health insurance, so how can we afford an HMO handout of $14 billion?

My youngest son who is a lawyer and worked here in Washington got a new job in Las Vegas. He is educated. He has two little girls and, in a matter of days, is going to have a third little girl. He could afford the gap coverage until he got his new job. Most people couldn't do that. For just I think 2 weeks he had to pay $1,200 to have coverage for his family. Most people can't do that. Most people have these big gaps, and they are stuck when an automobile accident or something happens to them in the way of illness and they have no insurance.

I want to make it clear that I am not opposed to private health care plans in Medicare. I have received letters from senior citizens in Nevada who told me they are enrolled in Medicare HMOs, and they have told me they are happy with the care they receive.

I am not opposed to competition. Make no mistake; competition is a good thing. It is a strong incentive for efficiency and productivity. I think this administration has a different definition of competition than I have.

They are all in favor of competition when it comes to a worker in a national park who might be making $30,000 a year. They think people like that should compete with private contractors to keep their jobs. But when it comes to big corporations, such as HMOs, the administration doesn't like competition. Why else would a company such as Halliburton get a billion-dollar contract without even submitting a bid? That is not competition.

Why does the new Medicare bill contain a provision that expressly forbids the Government to use its bargaining power to negotiate prices with drug companies? Is that how the free market is supposed to work? No. Now we have a handout for insurance companies.

We were told it would be good to let private companies compete with traditional Medicare because they would be more efficient which would allow them to provide better care and less costs.

While I am talking about privatizing, don't forget last night the President again in his State of the Union Address talked about privatizing Social Security. I have to hand it to him, he has a lot of nerve because it is rare I find anyone who wants to privatize Social Security. He had some buzz words, but that is what it all meant.

These private companies that compete with traditional Medicare now have their hand out for a 10.6-percent increase because they say it is the only way they can continue to serve Medicare patients. That does not sound very efficient to me. It does not sound like competition. It does not sound like a great deal for seniors who are struggling to buy medicine or for taxpayers. It certainly does not sound like real competition.

This HMO handout to the insurance industry and the managed care entities is an example of the way the administration has one set of rules for the big-money interests, the corporate interests, and another set of rules for people who work for these corporations.

Competition is OK for ordinary folks, but the fat cats get sweet deals like the HMO handouts.

This is a case of misplaced priorities, just like the misplaced priority of spending $14 billion on a corporate handout instead of using it to improve health care for ordinary Americans. This is just one more reason we need to work to fix the problems in Medicare so seniors will have the coverage they deserve. I hope the administration will take another look at its priorities and reconsider this ill-advised HMO handout. According to the State of the Union last night, he has his veto pen ready in case we try to do it.

Before I yield the floor and before Senator BYRD speaks, we have been gone for a few months and it is good that I remind myself on occasion how I have been educated in the years I have been in Congress, now more than two decades, by the senior Senator from the State of West Virginia. Better than any movie, any ball game, any recreational activity that I can think of, I have had more fun learning from the Senator from West Virginia. I still look back with almost reverence to his lectures on the line-item veto, on why it should not be done and why we would be like the Roman Empire. It would be the beginning of the end of legislative power. It would be the beginning of the end of this great Government that we so much admire.

I remind the Senator from West Virginia, those lectures—and I call them lectures because they were done by someone who knows as much as any professor about the Roman Empire—they were done so well that at the University of Nevada Las Vegas, the head of the political science department taught a course based simply on the lectures of the Senator from West Virginia. So whether he is talking about Iraq, as he has done so well, about homeland security, about the energy policy in this country, about the State of West Virginia and what needs to be done with transportation and what needs to be done in this country, all of these many subjects have been lots of fun for this Senator from Nevada. I have been educated, and I am a better Senator and a better person and the State of Nevada has done better by me as a result of learning so much from the Senator from West Virginia.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia.

Mr. BYRD. I thank the very distinguished Democratic whip for his gracious comments. He has been an inspiration to me. I once served as the majority whip in the Senate. I counted myself a good whip, but remember those lines: You are a better man than I am, Gunga Din.

Well, this whip from Nevada is the best whip that I can recall in my long service in this Senate, and I am a former whip.

The distinguished Senator from Nevada mentioned ball games. No ball game ever changed the course of history. With all due respect to those who like football, basketball, and baseball—and I like them, too. I used to enjoy playing baseball in the sandlot back in the days when Babe Ruth and Lou Gehrig were in that great murderous lineup, the New York Yankees. I can remember September 1927 when the sultan of swat, Babe Ruth, broke the record with 60 home runs that year.

The Senator's mention of the line-item veto is of interest. I was right in what I had to say about the line-item veto. I know certain Senators whom I personally asked to vote against that line-item veto, and they did not. They did not heed my admonishments, but the Supreme Court of the United States called that law invalid. Thank God for the Supreme Court of the United States in that instance.

I thank the distinguished Senator.

Mr. President, this afternoon I want to talk about the 2004 omnibus conference report on those bills. The Senate opened the second session to the 108th Congress not many hours ago. While the year on the calendar has changed from the last time we met in this Chamber, the Senate finds itself handcuffed by the same authoritarian dictates from the same Bush administration that last year led to some of the most fierce partisan passions that this Senate has seen in decades. Gone is the traditional spirit of cooperation. Yes, the man in the White House who said that he was going to change the

tone in Washington, he changed that tone all right. It is the worst that I have seen in my more than 51 years in Congress. Gone is that traditional spirit of cooperation. Gone is the belief that the needs of the Nation are above the needs of any political party. In their place is an agenda driven by pure rank, raw partisanship. This is a tragic turn for this historic Chamber, a tragic turn for these United States of America.

Hope for a bipartisan Medicare prescription drug benefit was bright at the start of this Congress, but by the time the conference report returned to the Senate for final passage, all that was left was a prescription for protecting the pharmaceutical industry and a drug benefit that is a sham for American seniors.

Progress on an energy strategy for the country began in a cooperative effort but quickly the Democrats were locked out while industry lobbyists were welcomed in to write the conference report with the executive branch.

The fiscal year 2004 appropriations bills have suffered a similar fate. Between June 26 and September 4 of last year, the Senate Appropriations Committee reported all 13 appropriations bills, bills that were the result of bipartisan cooperation between the chairman and the ranking member of each subcommittee and those subcommittee members. The bills were tight and lean because of unrealistic budget limits, but Senators worked in tandem to craft balanced legislation. Despite the efforts of the chairman of the committee, the senior Senator from State of Alaska, progress on the bills waned, and as a result we faced the grim Frankenstein aberration of an Omnibus appropriations conference report.

I warned the Senate that such an Omnibus appropriations bill could grow limbs like trees, limbs like an octopus, limbs that never were contemplated by the Senate. I warned Members on both sides of the aisle that they could not control the outcome when the seed of an omnibus bill was planted in a closed conference. I warned that a Senator's right to debate controversial legislation would be lost. Finally, I warned that such an omnibus bill would invite the White House to the table.

Never was the White House invited to the table when I was chairman of the Senate Appropriations Committee—never. It is all right for them to be in an outside room but not at the table, no. I warned that such an omnibus bill would invite the White House to the table and that the Congress would once again forfeit its constitutional right to write legislation. Negotiations on that legislation started well enough. The House and Senate Appropriations Subcommittees worked on their respective pieces of this mammoth bill. The conferees held an open session under the able leadership of Senate Chairman TED STEVENS and House Chairman BILL YOUNG, and several of the chapters of this behemoth bill were settled. But this tale does not have a happy ending. No, this chariot, drawn by tall horses, quickly turned into a pumpkin. Have you heard that before? It quickly turned into a pumpkin, pulled by rats before the clock struck midnight.

The White House decided—the White House—the White House decided that bipartisan negotiations were unacceptable. The White House pulled the plug on the conference and took it behind closed doors. The Republican congressional leadership bowed, bowed down to White House pressure. Suddenly, Democratic Members of Congress had no voice in the legislation. Senator GRAHAM, the Democrats had no voice, suddenly, in the legislation they had only days before helped to move to the verge of passage.

In the back rooms of the Capitol, the White House sat down with the Republican leadership and with fat-cat lobbyists representing big corporations and produced an unamendable 1,182-page, $328 billion conference report. They produced a conference report that turned the legislative process on its head.

You think Speaker Joe Martin, Republican Speaker of the House—Joe Martin of Massachusetts—would have stood for that when he was Speaker of the House? Do you think John Taber of New York, Chairman of the Senate-House Appropriations Committee, would have stood for that in his day? No.

Four of the bills contained in this omnibus did not have a recorded vote in the Senate. That is all right. A voice vote or a vote by division are just as legal and legitimate as is a rollcall vote. But one of the bills, the Commerce-Justice-State bill, was never even debated, never even debated in the Senate, let alone adopted by a vote of the Senate.

Shame. Shame on us for letting that happen.

So there you have it. The Commerce-Justice-State bill was never even debated in the Senate, let alone adopted. Scores of provisions were included in the so-called Miscellaneous Appropriations Act portion of the conference report that were never debated, never debated in this Senate. What has happened to the legislative process here under the leadership of the Republican administration, the Bush administration? Under pressure from the White House, provisions that were approved by both the House and Senate have been dropped. Get that. Under pressure from the White House, provisions that have been included, that were provisions included in both the House and Senate, have been dropped.

A point of order could be made under rule XXVIII that would kill this conference report. Under pressure from the White House, controversial provisions that were written as 1-year limitations when they were before the House or Senate have been mutated into permanent changes in authorization law. This conference report includes an across-the-board cut never debated here in this Senate, an arbitrary cut that would apply to legislation already signed into law. It would cut homeland security. It would cut counterterrorism efforts. It would cut education and health care. This across-the-board cut would reach back into laws that agencies have been operating under for 4 months.

In the view of the White House, the United States can afford $1.7 trillion in tax cuts. When it comes to the Medicare bill, we can afford $12 billion for subsidies for private insurance companies. When it comes to the Energy bill, we can afford over $25 billion of tax cuts and $5 billion of mandatory spending for big energy corporations. But when it comes to initiatives funded in these appropriations bills, initiatives that help ordinary Americans every day, the President insists on cuts.

He didn't say anything like that in his big speech last night. No, he didn't say anything about that, a cut of 0.59 percent would reduce funding for No Child Left Behind programs by more than $73 million, resulting in 24,000 fewer children being served by title I. The across-the-board cut would reduce veterans medical care funding by $159 million, resulting in 26,500 fewer veterans receiving medical care.

The President lauds the military, as he should. He applauds the soldier, the sailor, the airman, the marine. But when it comes to veterans, 26,500 fewer veterans will receive medical care, or 198,000 veterans not getting the prescription drugs they need. Was anything said about that in the speech last evening? Not a word.

The across-the-board cut will chop funding for homeland security initiatives. How many more baggage screeners will be laid off, resulting in longer lines and less security at the airports? How many fewer flights will have air marshals on board? Nothing said about that in the State of the Union speech. No, no, no. How many more containers will come into this country uninspected? How many more illegal aliens will be able to remain in this country or how many more will be able to sneak into this country? Not a word said. How many potential terrorists will never be investigated because of cuts in the FBI? The Bush tax cuts will cost $293 billion in the calendar year 2004. More than $1 out of every $4 being spent on those tax cuts is going to the top 1 percent of taxpayers in this country. They didn't put me in office. No, those on that side of the track didn't put me in office. The Bush tax cuts—let me say it again—the Bush tax cuts will cost $293 billion in the calendar year 2004.

More than one out of every four dollars being spent on those tax cuts is going to the top 1 percent of taxpayers in this country. Are you in that category? Are you, Senators, in that category? I don't know. But I know a lot of people who sent me here who are not in that category.

Taxpayers with incomes that average about $1 million per year will receive an average tax cut of $85,000 in the year 2010, while those taxpayers earning less than $73,000 will receive at best 1 percent of what a millionaire will receive and at worst a paltry $98 in the year 2010.

How will we pay for this? Oh, that will be somebody else's problem. This President will be back on his ranch in Crawford, TX, living it up and having it good. What about your children and my children? They are going to be left to pay for this.

How will we pay for it? With cuts in education, cuts in veterans' programs, and cuts in homeland security.

In the dark of night, behind closed doors, the White House filled this conference report with favors for big corporations. Everywhere you look, you find the interests of corporate America coming first and the needs of working Americans coming in last.

The Senate approved a provision to block for 1 year the administration's plan to take away the rights of as many as 8 million employees to earn time and a half for extra hours worked. This administration produced a rule so biased toward industry that it even included advice to corporations on how to avoid additional wages.

Yet the Senate provision—what happened to it? What happened to that Senate provision? It is gone, obliterated under the darkness of night, taken out.

At the request of the food marketing industry, rules to allow Americans to know where their food, such as beef and vegetables, is grown are delayed for 2 years, breaking the balance crafted as part of the 2002 farm bill.

During the consideration of the 2002 farm bill, the Senate included a provision—the Senate; that is, us—included a provision to ensure that American consumers were provided with information about where their food originates—where it comes from. This so-called country-of-origin requirement became law and was immediately attacked by industry forces. When the smoke of the agriculture conference cleared, we found that industry forces had worked overtime to slip out of their statutory requirements. The country-of-origin issue was not even allowed to be discussed at the conference. The decision whether to keep or whether to kill the country-of-origin requirement was made behind closed doors after the conference was adjourned subject to the call of the Chair. I was in that conference. It was adjourned subject to the call of the Chair. They didn't have any use for me anymore. I was locked out. Senator BYRD can go home now. He will not be in on the decision. We don't need you there. You can go home now subject to the call of the Chair. Of course, the call never come.

Roy Acuff used to sing, ''I called and I called but nobody answered. I called and I called but nobody answered.''

Democrats of either the House or the Senate were not in the room.

I wonder how many of our listeners remember the first question that was ever asked in the history of man. What was the first question that was ever asked? It was asked in the cool of the day when God walked through that garden of paradise, the Garden of Eden, which we think was located somewhere between the two great rivers in old Mesopotamia, the Tigris and the Euphrates Rivers. God walked in that garden looking for Adam and Eve. But he couldn't find Adam. So he asked the question: Adam, Adam, where art thou? That is the first question ever recorded. Adam, where art thou? Well, Adam and Eve were hiding behind bushes and figleaves. Adam, where art thou?

Well, Democrats in either the House or the Senate were not in that room. So when their constituents ask, where were you, where were you, Senator GRAHAM? Where were you, Senator BYRD, you who has been in Congress 51 years, where were you then? Where were you on that day?

The Democrats were locked out. We were locked out. We weren't included.

I will tell you one thing. That was never done when I was chairman.

Now we find that the delay in implementing the country-of-origin law is not just for 1 year, as the House provided and the Senate opposed, but 2 years. And that is not all. The House provision only placed a limitation on the labeling requirement for meat products. Now the agreement coming out of conference expands the limitation to all the other commodities covered by the law such as fruits and vegetables. American consumers may have thought they were going to know where their food came from, but the majority has made sure that those facts will remain a hidden secret in the deep freeze.

Also, the 1-year limitation on the FCC media ownership rule was turned into a permanent cap at 39 percent. The practical effect of changes demanded by the White House is to protect Rupert Murdoch's FOX television network and CBS-Viacom from having to comply with the lower 35 percent ownership caps, the congressional version of the bill that was put in place.

The White House is boosting special corporate interests. Why not? Look at the millions that are poured into political coffers by those special corporate interests. The White House is boosting special corporate interests at the expense of the people's interest for balanced news and information. Protections for Federal workers that were agreed to on a bipartisan basis in the public conference that would ensure fair competition with the private sector disappeared in the backroom.

The White House sent its troops to the Hill last week to press the Republican leadership to reject entreaties from Members on both sides of the aisle to make any changes to this Frankenstein of a bill.

This ''my way or the highway'' roughshod politics over the principled approach to Congress is incredible, especially from a White House that has done so much to undermine the credibility of this Nation and its Government.

One year ago, the President used the State of the Union Address before this Congress, this Nation, and the world to make his best case for taking the Nation to war in Iraq under the doctrine of preemptive strikes, under the doctrine of preemption.

In the State of the Union Address and in other speeches, he and others in the administration told Congress and the Nation that Saddam Hussein had weapons of mass destruction that were an imminent threat to this Nation. We were told that Saddam Hussein was trying to develop nuclear weapons. We were told that American troops would be received as liberators. We were told that Saddam Hussein was aiding terrorists, such as the al-Qaida. What an incredible tale. What an incredible squandering of the credibility of our Government in the eyes of the world.

For this President, there seems to be no limit to his appetite for rhetoric, no recognition that there is a difference between his rhetoric and reality.

Yes, he promised Americans to leave no child behind, but this omnibus bill would cut funding by $6 billion below the level authorized for title I in the No Child Left Behind Act which this President signed with such promise in January of 2002. This omnibus bill would leave behind 2.1 million children who are eligible for title I educational services.

The President promised to secure our homeland and yet this bill would cut funding for port security and border security. On November 14, 2002, the Senate passed the Maritime Transportation Security Act without a dissenting vote. The vote was 95 to 0. The bill was signed into law by President Bush on November 25, 2002, during a celebratory White House ceremony. On that day, the President said: We will strengthen security at our Nation's 361 seaports, adding port security agents, requiring ships to provide more information about the cargo, crew, and passengers that they carry.

Despite these requirements, the President has requested no funding for port security grants and this omnibus bill would cut the funding that Congress added last fall. Sixteen million cargo containers arrive in the United States by ship, truck, and rail each year. One hundred forty million passengers travel annually by ship each year. Thousands of employees work at our ports each day. Millions of citizens live in and around our port community. A terrorist attack through our ports would produce billions of dollars of losses to our economy.

Was a thin dime requested by this President? No. No, the President did not request a dime.

On November 19, 2001, the President signed into law the Aviation and Transportation Security Act. The act created the Transportation Security Administration and mandated that all cargo on passenger aircraft be screened. The administration has never requested sufficient funding to meet the goals of the law. In order to bridge a $900 million funding shortfall that it created for fiscal year 2003, the administration proposed delaying advanced firearms training for Federal air marshals at the same time that intelligence reports indicated an enhanced threat to aviation and the potential for hijacking planes transiting the United States.

Regarding air cargo security, the administration has met the requirement of screening air cargo by expanding a program referred to as the Known Shipper Program. This program does not actually physically screen cargo going into the bellies of jumbo passenger aircraft but relies on paperwork to protect our citizens. Congress added $35 million above the President's request to enhance the deployment of detection equipment, research other methods to screen cargo and otherwise expand air cargo security. This omnibus bill would reduce that funding.

The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 101–173, was signed into law by President Bush on May 14, 2002. The act authorized funding for enhanced hiring of immigration inspectors and agents as well as for improvements to immigration facilities. The President did not request the authorized funds to hire additional immigration personnel, nor did he request funds to make the authorized improvements to immigration facilities or to hire the required number of Border Patrol agents. The omnibus bill would reduce funding for Border Patrol efforts.

Just last month, 4 days before Christmas, Homeland Security Secretary Tom Ridge announced that the Nation's terror alert level was being raised to orange. He said the strategic indicator, including al-Qaida's continued desire to carry out attacks against our homeland, was perhaps greater than at any time since September 11. He went on to say that information indicates that extremists abroad are anticipating near-term attacks that they believe will rival or exceed the scope and impact of those we experienced in New York.

The President promised a safer nation when he created the new Homeland Security Department. But his Secretary says we are in greater danger than at any time since September 11, 2001. At the same time, the administration urged Congress to cut funding for Homeland Security.

In May of this year the President signed into law a bill authorizing $15 billion over 5 years for international programs to combat HIV/AIDS. On July 12, while in Nigeria, the President said: The House of Representatives and the Senate must fully fund this initiative, for the good of the people on this continent of Africa.

To ''fully fund this initiative'' requires $3 billion. The authorization bill, which the President explicitly referenced in his speech, authorized $3 billion in fiscal year 2004. Yet the President only requested that the Congress provide $2 billion for the program. This omnibus bill, after the across-the-board cut, would provide less than $2.4 billion for the Global AIDS Program, over $600 million below the level promised.

Democratic Senators, including myself, on three separate occasions offered amendments that would have ensured that HIV/AIDS funding reached the $3 billion level. All three of these amendments were defeated by the Republican leadership working with the Bush administration.

Rhetoric and reality are two different things. Now we understand that the President will be promising to put a man on Mars. Somewhere along the way the tail has begun to wag the dog.

The legislative process is being steered from the Oval Office. The legislative branch is being used not as the Framers envisioned, to serve as a check on the executive branch, but instead as a tool to check off accomplishments on the President's political agenda.

Whose fault is that? Shame on us for letting ourselves be used. Shame on us for letting ourselves be used. Shame on us for putting political party against the best interests of the Nation. Shame on us for putting political party above the Constitution of the United States. This is not the way the Senate should operate.

I fault no individual Senator for bringing us to this point, but I do fault the system that places meaningless message votes and staged photo-op debates before the business of the Nation. I fault politicians for their weakness, for their failure to uphold their oaths to support and defend the Constitution of the United States against all enemies, foreign and domestic.

Shame on us. In my 50 years in this Congress, I have never, never before seen such a Milquetoast Congress, a Congress that would cede power.

This Constitution says Congress shall have power to declare war. Yet this Senate stood speechless—speechless—when we voted in 2002 to shift this power to determine when, where, and what military forces should invade a sovereign Nation. The Senate had little to say.

That was not the Senate that was here when I came here. No, not the Senate that was here when I came here. Everett Dirksen stood at that place. Lyndon Johnson stood at that desk. There was Norris Cotton, George Aiken, Jacob Javits. Those were men. There was Senator Russell of Georgia, who stood at this place, right here at this desk, Richard Russell. Lister Hill stood there. John Pastore of Rhode Island stood here. No, not those men. They are gone.

But the Constitution is not gone. The Constitution is still with us. And many times have I stood at that desk where the Presiding Officer sits today, put my hand on the Bible, as it were, and swore to support and defend the Constitution of the United States—not to support this President or that President, this party or that party. I did not have any oath of that kind. I did not take any oath of that kind. I never will take an oath of that kind.

How many of us can say we have stood by that Constitution? How many of us would have to say: Oh, I have bent—I have bent, when my party, when my President—the President is the President for all of us. He is not just my President.

But I say that we have become far too deferential to all Presidents, too deferential to all Presidents. Presidents are just hired hands like the rest of us. They are here only for a while. Then they go. I have seen 11 administrations go, and I hope I get to see another one. But we act, when we come here, as though we swear to support this President or that President, a President from the Republican party or a President from the Democratic party. Why? They are mere hired hands who are here for a little while, like the rest of us.

No President sends the Presiding Officer here. No President can send that Presiding Officer home. Why so deferential to Presidents?

Under the Constitution, we have three separate but equal branches of Government. How many of us know that? How many of us know that the executive branch is but the equal of the legislative branch—not above it, not below it, but equal? Why do we treat Presidents as though they were kings, clothed in royal purple?

The real losers in this scenario are the American people. They are not well served by a Congress that fritters away opportunity after opportunity to probe, to analyze, to exercise its independent judgment on the urgent issues of the day in favor of rushing to do the bidding of the executive branch. Shame on us. Fie on us.

The people of West Virginia and this Constitution that I hold in my hand have made me a U.S. Senator. No President made me a U.S. Senator. I came to Congress when Harry Truman was President. He did not make me a Member of Congress. Of course, I was indebted to him for coming to West Virginia and speaking on my behalf and on behalf of my colleague, Jennings Randolph, at that time. But I did not expect that to make him my boss. I admired Harry Truman. I did not like him for some of the language that he used in public, but I still admired him, and admire him to this day as a President who had courage. But he was just a President.

So I have served with 11 Presidents—not under any of them. No, no President sends me here. And by what right do the people of West Virginia send me

here if I am going to bow and scrape to a President? They expect me to speak up, and that is what I have tried to do, in the presence of Presidents, yes, but they put their pants on just like I put mine on; the same old way, no different.

Under our Constitution, our Founding Fathers had the wisdom to establish three separate, equal, coordinate branches of Government. That is under this Constitution. This Constitution—perhaps one does not think about it often, but when one stops to think about it, this Constitution has something to do with every minute, every hour, every day of every life in this country in one place or another, and in some instances more than one place.

This Constitution impacts your life, your life, and your life. Every day that you are here on this planet, this Constitution has a bearing on it. And then some would treat this as a piece of paper and put political party above the Constitution of the United States. When I do that, send me home and say: Good riddance.

This is the Constitution of the United States. Many times I have sworn by oath before God and man, with my hand on the Bible, the King James version of the Holy Bible, to support and defend this Constitution. Yet we treat it as a piece of paper. We use it only when it is of a particular benefit to us. But every day, in some way or in some ways, this Constitution bears upon your life. It may be in the delivery of your mail. It may be in the hard surfacing of the roads upon which you drive. It may have something to do with the flights that you are about to depart upon. Yes, it is this Constitution.

In this country, we don't say: God save the King. God save the King. God save the President of the United States. No. We say: God save the Constitution of the United States. This Constitution saved Congress from its error when it passed the Line-Item Veto Act. This Constitution did that.

Under the Constitution, Congress writes the laws. The President executes the laws. Under the Constitution, the power of the purse rests here, right here—not downtown, not down at the other end of the avenue, but here.

Most of the people who were in the Thirteen Colonies, in the 13 States, when the Constitution became a constitution, were British subjects. It took hundreds of years and blood spilled at the tip of the sword for Englishmen in 1688 to write that meetings of Parliament that should be held often, that there would be freedom of speech in the Parliament and in the House of Commons. Those were the men who placed the powers of the purse in the hands of the elected representatives of the people of England in Parliament. That is where the power of the purse rests, here in the legislative branch. We ought never to let the executive branch forget it. Yet we cower. We act like poodles when it comes to standing up against the Chief Executive of the United States.

Who is he? With all due respect, whether he is Republican or Democrat, this is the Congress of the United States. This is the people's branch, this body and the other. Under the Constitution, the Congress determines how to write our laws, how to protect Members' rights to debate the important issues of the day. This omnibus bill leaves those pillars of our constitutional system in shambles. It is our duty as the people's representatives to protect those pillars of our constitutional system of government.

In 1999 and in the year 2000, when President Clinton, a Democratic President, a President of my own party, supported efforts by the Republican Congress to produce Omnibus appropriations bills, I came to this floor to decry our loss of our right and our duty to write legislation. I came to this floor to stand up for Congress's power of the purse. It made no matter to me—not any, no matter—that this was a Democratic President calling for omnibus spending legislation. I stood up for the rights of this Senate as I do today.

In 1993, there was a great effort to include President Clinton's comprehensive health care reform plan in a reconciliation bill. Proponents of the President's proposal hoped that such an approach would shelter the proposal from extended debate in the Senate. My own majority leader, George Mitchell, came to me. I said, no. My own colleague from West Virginia in the Senate pleaded with me. I said, no. President Clinton, a Democratic President, called on the telephone, called on me to support this effort. I said, no. I said, no. Without regard to party, I felt compelled to protect Members' rights to a full debate.

I said: This is a comprehensive health bill. The people need to know what is in it. We Members of the Senate need to know what is in it. That is why we have the Senate, to debate and to amend. No.

And so I turned my face like flint to the request of my own friend and the President of my own party. No.

Did he think less of me? I doubt it. He thanked me. He understood what I was saying. I will say it again. How many on that side would say that to a President of their party? But with President Bush, he insists that members of his party march with him step by step. I can remember a great Republican Senator who refused to march step by step. That was Senator Mark Hatfield. He was scorned by many on that side of the aisle because he stood alone against a political party, his party. He was no coward for doing that. He was a man.

President Bush insists that members of his party march with him step by step. Today, on the other side of the aisle, voices for a strong and equal Congress fall silent.

Last week Senator FRIST wrote to Senators and urged them to vote for the omnibus conference report because if the omnibus fails, then the only alternative, he said, is a full-year continuing resolution that would force the agencies for the seven outstanding appropriations bills to operate at last year's level. He argued that such a continuing resolution would produce deep cuts for food safety, veterans medical care, highway funding, and the Global AIDS Programs.

However, the Senator presents the Senate with a false choice. If the omnibus is not approved, the Senate has other options to move forward. If the only alternative is a full-year continuing resolution, then that is the choice of the Republican leadership. It would be another example of putting political posturing before the needs of the American people.

There is a clear alternative, and that is to sit down and work out a compromise that can overwhelmingly pass the Senate. If our distinguished and illustrious majority leader, Mr. FRIST, had the will to do so, such negotiations could be completed, who knows, maybe even in 1 day. However, in its current form, I cannot vote for this bill. I cannot vote for this conference report that so ravages our constitutional process and puts corporate interests ahead of the people's interests. I cannot vote for a bill that undermines our credibility, undermines the credibility of the United States Senate with the American people. I urge Members to vote no when the Senate votes on the adoption of the conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is a tough act to follow of the Senator from West Virginia. Is there any specified allocation of time for debate this afternoon?

The PRESIDING OFFICER. No special allocation of time, except that Senator MCCAIN is to be recognized at 2 o'clock for an hour.

Mr. DURBIN. I thank the Chair.

Mr. President, I thank the Senator from West Virginia for his eloquent words, which I followed on the floor and through the television before I arrived on the floor. It is always a pleasure to hear him speak to the issues that we are challenged with as a nation.

Last night, I joined many Senators and Congressmen to walk across the Rotunda to attend the 21st State of the Union Address, which has been my honor to witness as a Congressman and as a Senator, to be on the escort committee to bring in the President for this historic moment and to hear the President's words as he addressed America, as he does each year. It is a rare chance for him to speak unencumbered to the Nation directly and to really express the feelings in his heart.

Part of what the President said I thought was particularly timely and poignant. It drew bipartisan response

and applause—particularly the part where he saluted the men and women in uniform. We have many debates on foreign policy here. Senator BYRD and I view it the same way, that perhaps our country is on the wrong track when it comes to this policy of preemption and going it alone in the world. Having said that, we both understand, as every Member of the Congress does, there are men and women in uniform who are literally risking their lives at this moment for this country. While politicians and elected officials debate the policy, we should never forget the courage, sacrifice, and dedication of those men and women in uniform, how much it means to their families that they know we stand behind them and we will not deny them the resources they need to perform their mission safely and to come home safely and as quickly as possible.

I point out one aspect that has come to my attention over the 2-month break when the Senate was in recess. I joined a couple Senators and I went out on my own to visit Walter Reed Hospital last November and meet with these wounded soldiers. It is a wonderful thing to see these brave young men and women. Also, it is sad to see some of the injuries they have sustained. Most of them wear ceramic vests that protect them in combat, but they don't protect their limbs. Many of those there are amputees who have lost a hand, an arm, legs, or, in the case of one soldier, both hands, or suffered a head injury.

Having spoken to them and asked them the circumstances of their injury, I usually said: Is there anything I can do for you? It was interesting to me how many had the same response. It wasn't personal. They didn't ask me for a favor. They said: Don't do me a favor, but do a favor for the men and women I served with. We need to have more protection in combat, particularly with Humvees, which are today's jeeps that are so prevalent in the war in Iraq. Humvees were built to be light and fast for a desert war, and now they perform a different function. They move troops through Baghdad and Fallujah, which are dangerous areas. Sadly, many of these Humvees have canvas sides. If one of these terrorists fires a rocket-propelled grenade at it, it whistles right through the vehicle causing great injuries and damage in the process. The same thing is true with the homemade bombs. So the wounded soldiers at Walter Reed said time and again that they need more armor-plating on the Humvee vehicles.

I thought this was something a Senator ought to look into. So I came back to my office and contacted the Department of the Army and said: How many Humvees in Iraq today don't have armor-plating? They said that 8,500 do not. So I said: Is it a priority to make armor-plated doors for these? They said it is the highest priority. They said: Senator, there is good news. Half of them will be built in your State at the Rock Island Arsenal, which has served America since the Civil War. I knew the men and women there were anxious to get involved and to prove themselves and to serve our Nation again, as they have time and time again in times of conflict.

During the break, I went to the Rock Island Arsenal and saw the first two armored doors for Humvees come off the assembly line. The employees were working around the clock and could not have been prouder. I said to the officer in charge at the Rock Island Arsenal: This is great. You are supposed to build about 8,000 or 9,000 of these armor-plated doors. How long will it take you to get these 9,000 armor-plated doors into Iraq on the Humvees? He said: Senator, if we work night and day, we can get this done in 2 years. Two years.

I thought to myself, what am I missing here? In World War II, we would build a bomber in 72 hours. We would build a ship in 30 days. Why is it going to take 2 years to build the armor-plated doors for the Humvees? He said: I am sorry to tell you that there is only one plant left in America that makes the steel that can protect these soldiers with armor plating in the Humvees—one plant left in America. I thought about that last night when the President said to us that jobs are growing in America—manufacturing and industrial jobs are growing in America. I have to say to the President, as I look at Illinois, that is not the case. We are losing jobs. We are losing manufacturing jobs. We have lost 20 percent of our manufacturing jobs in the last 5 years and continue to do so.

Many jobs are going to China. China is a country where jobs are growing but, sadly, at the expense of American workers. China has an unfair trade policy related to the currency valuation of their local currency.

Now, the Secretary of the Treasury, who was there last night, protested this in China, but they have done nothing about it. So they have a 15- to 40-percent price advantage over American manufacturers. What it means is that manufacturers, large and small, are losing business to China. So when the time comes, when we need a steel mill to produce the armor for the Humvees so our sons and daughters come back with limbs intact and safe, we find ourselves at the mercy of these foreign producers.

Today, for every dollar of goods exported from the United States to China, we import $6 worth of goods from China, and one company in America—one company alone—imports 10 percent of all of the Chinese exports to the United States. One company sells 10 percent of all of the goods and products sent by China to the United States. That company is Wal-Mart. Wal-Mart, yes. It is in your neighborhood and in your hometown.

A few years ago, they proudly said ''made in America'' at Wal-Mart. But it doesn't say that anymore. Last week, if you watched the cable channels, you saw Lou Dobbs talking about exporting America. Frankly, that is a sad reality today.

So when the President talks about all the new jobs coming into America, I don't see it. For my money, a jobless recovery is no recovery at all. What good is it to talk about productivity? What good is it to talk about economic growth if we have lost 3 million jobs under the Bush administration? That is a fact of life.

I told you the story of the Humvees. I will tell you one other.

In my apartment in Chicago, at 4 o'clock on Saturday, I received a phone call. It is interesting that I received a similar call 3 weeks before. The voice on the other end of the phone said: Mr. DURBIN, this is Nancy, and I am happy to inform you that your Discover Card is on the way to your apartment.

I said: Nancy, I didn't order a Discover Card.

She said: Yes, but you have qualified for one and we are going to send you a credit card.

I said: Nancy, may I ask you a question? Where are you calling from?

She said: Delaware.

I said: What city in Delaware?

She said: Just a minute.

I heard papers shuffling. I said: New Delhi?

She said: No, Bangalore.

As you know, that is a city in India. I tell you those stories because I think they demonstrate the anxiety and concern of Americans from one coast to the other.

The President may believe that we are deep into a recovery. The President may see new jobs coming, but America looks at the current evolution of our economy with concern. We are giving up our basic industries. We are giving up manufacturing to the Chinese, and now we are giving up service jobs to India and other countries.

IBM announced 4,000 jobs will be lost in the United States for computer programs that will be sent overseas to India. If you buy a Dell Computer and you need instructions on setting up your computer and you call the 800 number, you will generally speak to someone in India.

The question that raises is this: What will be the job for the next generation of Americans? What occupation or profession would you recommend to a young person for a future in America?

There are some that are obvious, but when you look at how we have built this country with a strong middle class, raising good strong families with strong values, you have to wonder, with the challenges we are going to face in the years ahead, whether this administration and this Congress are looking at the state of the American economy honestly.

What was President Bush's proposal last night to deal with the future of America's economy? He made it clear. He believes that if you make the tax cuts for the wealthiest people in America permanent law, then, in fact, we

will have a strong economy. In other words, if you will give more money to the wealthiest people in America, somehow the economy lifts and everyone will succeed.

History is not on his side. In fact, this anemic recovery in which we are presently involved is proof positive that his tax cuts did little or nothing to stimulate this economy and creating a deficit of historic proportions. This President took a surplus in the Treasury and turned it into the biggest deficit in the history of the United States. He took over from an administration that had created over 20 million new jobs, and this President, unless something dramatic happens in the next few months, will go down in history as having lost more jobs under his administration than any President since the Great Depression—3 million jobs lost in America. And his answer to get America back on its feet and working again: Give the wealthiest people in America a tax break.

The President, when he talks about the tax cuts, zeros in on the $300 for individuals, $600 for families, the marriage penalty, but he ignores the biggest tax breaks, which are not included in that group but go to the wealthiest people in this country. Those are the ones who have brought us into this deficit situation.

To make matters worse, the conference report to accompany the Omnibus appropriations bill, which we have before us, includes a provision which says when it comes to those currently working in America, people who are struggling to keep their jobs and to keep their families together, this bill contains a provision which will eliminate overtime pay for 8 million Americans.

Mr. President, 8 million Americans today working overtime hours—away from their families, to make ends meet, to put some money away for college education, to deal with medical bills they can't handle otherwise—because of language insisted by the Republican leadership in the White House and in the Congress will lose their overtime pay.

That is the record of the Bush administration when it comes to jobs: 3 million jobs lost; 8 million working Americans denied overtime pay.

What does it mean? It means these men and women who are working these jobs will be told by their employers: You will show up and you will work instead of 40 hours this week, you will work 50 hours this week, and the extra 10 hours you work, you will be paid the same hourly wage, and if you don't like it, leave.

Perhaps that is the President's vision of America. From my point of view, that is not a vision that most families would appreciate. If we truly value work and we truly value families, wouldn't we take a different approach?

Didn't we hear the President last night talk about the family values of America and protecting those traditional values? While he spoke, we were considering a bill that says for 8 million Americans, the likelihood that your family will succeed is diminished, and it is reduced because we believe employers, at least those who support this bill, believe that employers should make more money at the expense of their employees.

We have had overtime pay since 1938. The Fair Labor Standards Act required employers to pay time and a half, and usually Presidents, Democrats and Republicans, would extend overtime protection and overtime benefits to more and more employees. This President will go down in history as the first to take overtime pay away from working Americans—8 million Americans.

The administration's proposal would strip 8 million workers of their overtime rights, including 375,000 workers in my State of Illinois. For workers who receive overtime pay, that overtime compensation usually accounts for 25 percent of their paycheck. The administration's proposal would slash the paychecks of 8 million hard-working Americans by 25 percent.

I haven't spoken about increasing the minimum wage in this country, which this administration has steadfastly opposed and Republicans in Congress have adamantly opposed. So at $5.15 an hour, more and more low-income workers find themselves falling behind and have to take a second job.

I went to a high school in Du Page County over the break. Du Page County is a great diverse, strong, and generally prosperous county in my State, just west of Chicago. When I sat down with the educators, we looked at No Child Left Behind test scores, and I said: Why is it that only 92 percent of the students took the test for No Child Left Behind at this high school?

The principal said to me: Senator, a lot of our kids are from poor families, single parent families, and they have brothers and sisters. If a little brother or a little sister gets sick and can't go to day care that day, mom is going to have to stay home from work and give up her paycheck or that older brother is going to have to stay home and watch the sick baby. That is what happens. He said that is reality.

Think about that kind of life where the sickness of the baby keeps an older brother out of school; where the mother, making $5.15 an hour, doesn't work an 8-hour day, but perhaps a 12- and 14-hour day or, if she is lucky, she has a job that used to pay overtime for those extra hours and now, because of the Bush administration's proposal, she is about to lose her overtime. She is struggling to keep her little family together under extraordinary circumstances, and we make it worse.

We do not increase the minimum wage. We do not protect her right to earn overtime pay, which has been on the books for over 65 years in America. Is that an administration with family values, sensitive to families and what they face?

What kind of employees will be hit hard by the President's determination to cut overtime pay? Let me give you a few categories: Police officers, firefighters, and safety coordinators. The International Union of Police Associations estimated this proposal will take overtime pay from 50 percent of those law enforcement officers currently guaranteed overtime. A minimum of 200,000 law enforcement officers will lose their overtime pay because of this appropriations proposal that came to us from the Bush administration.

I can go through the list: Prison guards from my State will no longer receive overtime pay; first responders, nurses, medical assistants, social workers, computer technicians, engineering technicians—the list goes on and on.

I think the list tells a story. It is one thing to talk about the goodness of America and the confidence we have in our future, and quite another for us to pass legislation, such as included in this appropriations bill, which destroys the confidence of working families in this Congress and this administration, unwilling to stand up and fight for them defending their rights to keep their families together.

Let me speak for a moment about education because at the heart of the issue of tomorrow's generation and their jobs is the question of education and training. The President made a very modest proposal last night to help community colleges. I thought it was good. When we assess the value for each community college, it is going to be symbolic, as most things are from this administration when it comes to helping America. It won't be the billions of dollars we are sending to Iraq. It will be $230 million, $240 million which is going to be allocated to community colleges. Mr. President, $230 million is hardly going to change education in America when we consider we are a nation of roughly 300 million people.

When we take a look at No Child Left Behind, we may note that this bill we are about to pass provides the smallest increase in education funding in 8 years, and it shortchanges No Child Left Behind, the President's premier policy on education, by $6 billion under the authorized funding level.

So we have said to schools, test your kids, and the President repeated it last night, continue to test, we want to know how you are doing. That is valuable. That is the diagnosis. But when it comes to the treatment, when it comes to tutoring, mentoring, after-school programs and summer school programs, this administration refuses to put the money on the table. They will identify the problem but they will not invest in solving the problem. In fact, what they have created is an unfunded mandate on schools at the absolute worst time possible. Where States are struggling to make ends meet, where local property payers are pushed to the limit on their property taxes, the President has imposed a mandate on

the schools and refuses by $6 billion in this bill to provide the funding the schools need to succeed.

So what will happen? Tests will be taken and tests will be reported, both within the Department of Education and publicly. Schools which people respected will now be branded as failing schools. Schools which frankly are doing a good job will find that if one group of students, for example, the kids in the special education class, who have special physical and mental challenges, cannot meet the test scores we have mandated in No Child Left Behind, the school will be graded as a failing school.

Imagine, you and your husband, your family, have made a sacrifice to buy a home in a very expensive subdivision which you know to be safe and near a good school, so that there is going to be a great education for your kids. You are starting to make the mortgage payments, it is not an easy thing to do, and you pick up the paper and you say, did you realize the high school our kids are about to go to has been graded a failing school?

That is going to happen. It is going to happen across Illinois. It is going to happen across America. When it comes to the resources and money to help those schools and to help those students, this administration refuses to put the money on the table. I think that is unfortunate and tragic, and it hardly suggests that this President is looking forward to the next generation.

The same President who a week ago looked up to the heavens and said the vision for America is manned space flight to Mars is a President who is not looking around America at the neighborhoods and towns that need a helping hand, that need more jobs, that need better schools, and need affordable health insurance. Had that same President, instead of casting his eyes to the heavens and outer space, looked to our Nation and said, in the next 10 years we are going to bring America's schools up to the highest world quality standards, and if it takes the trillion dollars that is necessary, we will spend it, that President would have been applauded across America. Instead, he projects someone in a manned space flight to Mars that will cost us $1 trillion.

I am not against the space program. Many good things have come from the space program, and they continue to come from the space program, but to think that we are going to look beyond Mother Earth, look beyond our own home into the heavens to spend a trillion dollars just strikes me as a complete misstatement of priorities for America.

In the few minutes I have remaining, I will mention two or three other things I find troublesome in this bill. One of the major disappointments was the deletion of funding in the Commerce-Justice-State-Judiciary appropriations for the Voice of America and Radio Free Europe/Radio Liberty broadcasting for Eastern Europe. The Senate bill included this funding, as did the Senate version of the authorization bill: $9 million for broadcasts to Estonia, the Czech Republic, Hungary, Lithuania, Poland, Bulgaria, Latvia, Romania, and Moldova. Unfortunately, this bill will cut off those broadcasts, and that is not the right thing to do. These are new democracies. They are still subject to instability. There is still gang and Soviet influence. I refer to the old Soviet gangs that still are alive and well and reborn in the form of syndicate operations. These democracies need the help of Radio Free Europe. I think putting that voice, as well as Radio Liberty, in a broadcast is an important thing to strengthen those democracies. Unfortunately, it was cut.

Then, of course, there is the provision in this bill regarding one of the controversial rules of the Federal Communications Commission. Do my colleagues think it is a better country if one company owns more and more television and radio stations? I do not. I think the diversity of message, the opportunities for Americans to hear different points of view, is really kind of key to our democracy. Yet, despite our votes on the floor of the Senate, at the last minute Chairman STEVENS and the White House put a provision in this appropriations bill which allows a greater concentration of ownership of television stations.

The obvious question is: What is that doing in an appropriations bill? The obvious answer is: The special interests won and they won big. Viacom was a big winner. Rupert Murdoch and Fox Broadcasting were all big winners by this provision being slipped in the bill. It is no surprise that some of these conglomerates have a conservative bent to them and agree with the President's party. Well, they were handsomely rewarded in this appropriations bill.

The last point I will make is that of all of the things in this bill which will make life tougher, more difficult and challenging in America, there is one that is very basic. When one turns on the television news tonight, what is likely to be the lead story? Well, in Chicago, sadly, it is likely to be a violent crime, maybe a murder. We are showing some improvement there. We are reducing violent crime, but it is still a national scourge. Unfortunately, it is the result of the fact that guns often end up in the hands of the wrong people.

Under the Brady Handgun Violence Prevention Act, firearm dealers are prohibited from transferring firearms to anybody until there has been a search in the National Instant Criminal Background Check System and it is determined that selling this gun to this person would not violate the law. The kind of people who would be prohibited from buying guns are obvious: convicted felons, somebody convicted of a crime of domestic violence or under a domestic violence restraining order, or a fugitive. We do not want to sell guns to people who have demonstrated that they misuse them. That is a smart thing to do. So we submit the name of the person to the NICS system for a computer check to see if this person would be prohibited from having a firearm. If so, then we do not sell them the gun.

In addition, under the current regulations, the Department of Justice retains records of approved firearm sales for up to 90 days. If during the course of those 90 days, it obtains information that a gun has been sold to someone improperly, we are going to go get the gun.

So I asked the General Accounting Office what would happen if the Department of Justice was required to destroy these computer records of gun purchases within 24 hours. In other words, the Department of Justice is given only 24 hours to obtain additional information on a person's background, and they were not given the full 90 days that they have under the current law. What if it is limited to 24 hours? The General Accounting Office did a study for me. They came back and said the FBI would lose its ability to initiate firearm retrieval actions when new information reveals individuals who were approved to purchase firearms should not have been. Specifically, the GAO said during the first 6 months of the 90-day retention policy, the FBI used retained records to initiate 235 firearm retrieval actions, of which 228 could not have been initiated if there were a next-day destruction requirement.

Let me boil this down. If I want to buy a gun and I pass through the computer check, they have 90 days to obtain additional information regarding whether I should have been able to buy the gun. If they are told they have only 24 hours to gather this information, it means that 228 guns in a 6-month period would be given to convicted felons, people guilty of domestic violence, and fugitives, exactly the wrong people in America to have guns.

Now, who in the world would want to limit the ability of the Government to check on someone's background to make sure that criminals did not buy guns? One special interest group—the National Rifle Association. And they won, in this bill. They have a provision in this bill which will prohibit the FBI from obtaining information on a purchaser's background more than 24 hours after a sale is approved. What it means in this case is 228 felons and other prohibited persons in a 6-month period would end up with guns on the street.

Does that make you feel safer, America? It doesn't make me feel safer at all. It is the kind of mindless pressure by a special interest group that is being paid off for its political support with this provision in the appropriations bill, and that makes no sense at all. It is not going to make the streets of my State any safer. It isn't going to make it safer for the policemen who

get up every morning, who put that badge on over their heart and risk their lives for us every single day. It isn't going to make it safer for our children who are walking home from the bus or from the CTA train. It is not going to make it safer for America.

But there are smiles on the faces of the special interest group, the National Rifle Association. They won in this appropriations bill. They were able to limit the opportunity for Government to do its work, to keep guns out of the hands of criminals. That is another unfortunate outcome of this legislation.

So we will face this Omnibus appropriations bill after having defeated a motion to close down debate yesterday. I hope in the process a lot of Americans will pay close attention. This is one of the latest times I can remember major appropriations bills being enacted since I served in Congress. The fact is, the longer the bill languishes, the more likely it is subject to mischief. That is what happened here. Time and time again we saw the overtime pay issue, the issue of media ownership concentration, the issue of the background checks on guns, as well as the issue of country-of-origin labeling—all of these became victim to this debate that went on and on, on the appropriations bills, and ultimately the special interests won, Americans lost, and American families lost as well. I yield the floor.

The PRESIDING OFFICER. The distinguished assistant minority leader.

Mr. REID. Senator MCCAIN is scheduled to be here at 2 o'clock, and he has indicated he will be here, so I suggest the absence of a quorum pending the arrival of Senator MCCAIN.

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 the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, we have been advised by the majority cloakroom that Senator MCCAIN will not be here for a few minutes. We don't want him to lose any of his hour. He told me how important it is to him to have that hour. So I ask unanimous consent the Senator from Iowa be recognized. When Senator MCCAIN does appear on the floor, Senator HARKIN would yield to him.

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

Mr. REID. I ask unanimous consent that Senator MCCAIN be allotted his full hour.

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

The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Nevada for asking for this consent. Certainly I will yield to the Senator from Arizona when he arrives. I know he had time reserved.

I listened with great interest to the President's State of the Union speech, hoping to hear what kind of plans he had to help America's working families in the struggling economy. Unfortunately, I didn't hear anything to help the millions of people who are out of work and have given up looking for work because there are so few jobs. I think this administration needs to wake up and come up with a real jobs plan to help America's families.

We need to extend emergency unemployment insurance for the hundreds of thousands of people who paid into unemployment when they were working but months after losing their job still can't find work.

We need to raise the minimum wage, which has not been increased in over 6 years.

And the administration needs to immediately withdraw its proposal that would deny millions of workers their overtime pay. The President's proposal will deny overtime pay to 8 million workers. Five months ago the Senate voted 54 to 45 on my amendment to block the administration's effort to take away overtime pay to 8 million Americans. The House soon followed, 223 to 201. The Senate spoke again yesterday in its vote against cloture. This should not even be an issue on the Omnibus appropriations bill that is before us today. The Congress of the United States spoke up, clear as a bell, and said: No, the administration must not strip overtime rights from 8 million American workers.

But, as we all know, the administration refused to accept the will of Congress. The administration ordered its foot soldiers in the House to strip this provision from the omnibus. Senator SPECTER and I fought to keep it in, but the administration refused any cooperation or compromise. In the end, just like that, without any vote in the conference, the administration nullified the clear will of both Houses of Congress and the American people by sticking to his position to deny overtime pay rights to 8 million Americans.

This is a clear abuse of power by the administration and part of a pattern we have seen from this President, time and time again. The administration seems to believe in government by one branch, the executive branch. When there are no checks and balances, the result is bad public policy, and that is exactly what we see here today.

Mr. President, I see the Senator from Arizona has arrived. I will yield the floor and resume my talk on the overtime provisions later on sometime today.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Arizona is recognized for 1 hour.

Mr. MCCAIN. I thank my colleague from Iowa and welcome him back from a very interesting time.

Mr. President, here we go again, another Omnibus appropriations bill, and this one takes the cake. Obviously, the New Years Eve parties didn't end for Congress on January 1. We are on a spending bender and this bill is ample proof of it. I think we have a new phrase in the lexicon of description of the way the Congress does business: Another drunken sailor spending spree embarked on by the Congress of the United States to the detriment of our children and our children's children.

I haven't been around here as long as many others, but I have never seen, nor do I believe history will record, such a rapid transition from a period of surpluses as far as the eye could see, to now commitment on the part of the administration to cut the deficit in half at some time in the future. Multitrillion-dollar surpluses to multitrillion-dollar deficits, and you would think we were still in a period of surpluses. If you look at this legislation, it is a living, breathing argument that this system is broken, the way we do business. Spending is out of control and we are mortgaging the future of our children and our grandchildren, and there is no way that Medicare and Social Security can be viable when we are amassing these kinds of outrageous processes. I say shame on this body, shame on the appropriators, and shame on us because, on Thursday, we will, after a vote of dissatisfaction, now pass this outrageous spending bill.

Americans have heard much about the growing problem of identity theft. We have before us the most costly case of identity theft imaginable. It appears that the big spenders in this body have all but stolen the credit card numbers of every hard-working taxpayer in America and have gone on a limitless spending spree for parochial porkbarrel projects, leaving Americans to pay and pay.

As I will point out later in my statement on such programs as NASA, some of these cuts are dangerous.

Cuts in the International Space Station in the name of porkbarrel spending is endangering the very lives of our astronauts. Policy changes that have to do with fundamental changes in media ownership, in fishing, and in other areas that have been inserted in this bill are absolutely outrageously in violation of Senate rules, I might add.

Please join me as we walk through this shopping mall. On the right, we have $1.8 million for exotic pet disease research in California. On your left, you will find $50 million for an indoor rain forest in Iowa—$50 million for an indoor rain forest in Iowa? Give me a break. On your left, in front of us, you see $250,000 to build an amphitheater park in Illinois.

It is time we put an end to this theft. I am sorry we have to call it theft but that is how I see the situation.

The sum of these political indulgences is enormous and growing and amounts to the theft of our future and the theft of our economic recovery.

Nearly 1 year ago I stood here and spoke about the 2003 Omnibus appropriations bill. At that time, I said our current economic situation and our vital national security concerns illustrate that we need now more than ever

to prioritize our Federal spending. Obviously, it had no effect.

Let me remind my colleagues that we are nearly 4 months into fiscal year 2004 and still without 7 of the 13 annual appropriations bills. This has become an unacceptable practice. Less than a year after passing one monstrosity, we are poised to do it again as if it should now be our standard operating procedure. But far worse than the breadth and timing, we have before us a bill loaded with special interest porkbarrel projects and legislative riders that have no business in this or any other spending bill.

It is no accident that we are dealing with this bill in an election year. In fact, I strongly suggest we change the name of this bill to ''The Incumbent Protection Act of 2004.'' Forget about the Patriots versus the Panthers in the Super Bowl next weekend. We are right in the middle of the Super Bowl of pork. C–SPAN viewers have seats at the 50-yard line. It is Congress versus the American taxpayer, and sadly we already know the outcome of this game. The taxpayer will be the loser.

We have before us today a bill that incorporates 7 of the 13 annual spending measures totalling a whopping $820 billion chocked full of porkbarrel spending and major policy changes.

The Kansas City Star recently reported, ''Enough pork is layered into the spending bill that even the Missouri Pork Producers Association is in line for $1 million.''

There is over $11 billion unrequested, unauthorized, run-of-the-mill pork projects inserted in the 1,182 pages of this conference report.

Let us talk about some of the interesting provisions: $200,000 for the West Oahu campus of the University of Hawaii to produce the ''Primal Quest'' film documentary.

I am sure my colleagues will again be surprised at the number of projects that go to the States of the senior members of the Appropriations Committee, Alaska, West Virginia, Mississippi, and Hawaii: $225,000 to the Wheels Museum in New Mexico—a wheels museum in New Mexico; $7.3 million for Hawaiian sea turtles; $6 million for sea lions in Alaska; $450,000 for the Johnny Appleseed Heritage Center in Ohio; $100,000 to the State Historical Society of Iowa in Des Moines for the development of the World Food Prize; $200,000 to the Rock and Roll Hall of Fame and Museum in Cleveland, OH, for the Rockin' the Schools education program.

As a fan of rock and roll, I can certainly see why that Rockin' the Schools education program would be worthy of $200,000; $1 million for the continued threat of the Mormon cricket infestation in the great State of Utah.

Here are interesting ones: $450,000 for an Alaska statehood celebration and $225,000 for an Hawaii statehood celebration. If I were the Senator from Hawaii, I would certainly be angered that I have been shorted $225,000 to celebrate my statehood. Hawaii became a State in the same year. You would think they would want to equalize that. I am sure they will fix it in a later appropriations bill knowing the way, in the case of Alaska and Hawaii, that one hand washes the other; $175,000 to a city in Missouri for the painting of a mural on a flood wall. That must be one heck of a mural; $90,000 for fruit fly research in Montpellier, France.

Given the closeness of our relationship with the French, I can certainly understand why we would want to send $90,000 over there to help get rid of that fruit fly in Montpellier.

But back to home, $225,000 to Traverse City, MI, for the restoration of an opera house. Opera lovers rejoice; $250,000 for the Alaska Aviation Heritage Museum. Alaska is known for a lot of things, but being the hotbed or the birthplace of aviation is not one that I knew of, although over the years I have grown to be more and more aware of the critical needs of Alaska for Federal funds for every conceivable purpose; $200,000 to the town of Guadalupe, AR, for the construction and renovation of a shopping center. I will have to go out there and see it. It is not too far from my home; $325,000 to the city of Salinas, CA, for the construction of a swimming pool.

Some of my colleagues may have read about this kind of interesting thing. It appears that a Member of the other body had some pangs of conscience because he dropped a frog into the swimming pool, or something like that. But whatever, the city of Salinas will have a new swimming pool.

And $100,000 to the city of Macon, GA, for the renovation of the Coca-Cola building. I can certainly see why the Coca-Cola people couldn't arrange for that. They are an impoverished corporation, as we all know; $100,000 to the city of Atlanta for the renovation of Paschal's restaurant and motel. I am sure there is great historical significance associated with Paschal's restaurant and motel down there in the impoverished part of Atlanta; $900,000 to an economic development association in Idaho to continue the implementation of the Lewis and Clark Bicentennial commemoration plan; $175,000 to the city of Detroit for the design and construction of a zoo. The city of Detroit certainly wouldn't want to have to pick up any of that tab; $238,000 to the National Wild Turkey Federation. I wasn't sure whether this was the animal or the beverage. But either way, $238,000 to the Wild Turkey Federation will, I am sure, be wisely spent, and perhaps that would reduce the cost per bottle; $200,000 for the city of North Pole, AK, for recreational improvements.

I know it has been a bad Christmas season for some, but you would think the elves and others might not need $200,000 for North Pole, AK. But one never knows, does one? The condition of the elves and Mrs. Claus are generally updated only around Christmastime. But it has come a little late this year. I will have to ask my staff to find out the total population of North Pole, AK, although counting nonpersons, I am sure, would enlarge the census there. There is $100,000 for restoration of the Jefferson County Courthouse clock tower in Washington State. That was under the category of economic development. I imagine everyone knowing what time it is would probably encourage efficiency there.

There is $220,000 to the Blueberry Hill Farm in Maine. They are getting their thrill on Blueberry Hill. I almost did not use that one, it is so schmaltzy.

While many of these projects may sound comical, they illustrate a badly broken system in need of serious and comprehensive reform. The HUD portion of this bill contains an account that is perhaps the best evidence that this process is completely broken and out of control. The appropriators included $278 million in this bill for so-called ''economic development initiatives.'' Every single dime of that $278 million was served up as pork. There were 40 pages of report language. The appropriators dished out 902 earmarks for everything from theater renovations in Jenkintown, PA, to quarry updates in Nome, Alaska.

Excuse me, North Pole, Alaska. The population in 2000 was 1,570, so $200,000 is a tidy Christmas present.

Back to the 902 earmarks, from everything from theater preservation to quarry updates in Nome, Alaska. Again, somehow Alaska comes back and back and back and back throughout. I wonder how the people in Alaska feel about being put on welfare.

Sadly, the EDI account in the HUD appropriations bill has become nothing more than a slush fund for the appropriators, completely eliminating any competitive or merit-based determination by the Secretary of Housing and Urban Development. The only word that comes to mind to describe this practice is ''shameful.''

At the same time, I will comment about some language in the statement of managers language accompanying this conference report that offers a more appropriate approach. Many of the accounts throughout the Department of Justice portion of this bill contain language that allows Federal officials, Governors, and other State and local representatives some discretion in awarding the appropriated funds. While the statement of managers names specific entities in connection with the Department of Justice grant, it also states that funding should be awarded if they are warranted after a proper review. Unfortunately, that kind of language is missing throughout the rest of this legislation. I hope the agency officials charged with reviewing these proposals will employ a modicum of fiscal restraint in some projects mentioned, such as $2 million for the First Tee Program, which teaches

young people how to play golf. I know the Presiding Officer is an avid golf fan and has been to many parts of the world in order to enjoy the game of golf, but I don't think even he would think it is justified in this period of multitrillion dollar deficits to spend $2 million for the First Tee Program.

As inappropriate as the earmarks are, I am perhaps more dismayed at the inclusion of some major policy changes in the bill. Every member of this Chamber knows it is a violation of Senate rule XVI to legislate on an appropriations bill, the most often violated rule I know of in the Senate. Moreover, every Member knows it is a violation of rule XXVIII to add new provisions in conference that have not been included in either House or Senate bill sent to conference. Sadly, every Member knows this omnibus violates those rules. The inclusion of special interest legislative riders on a must-pass spending measure is not only a corruption of the proper process, it is irresponsible and an affront to good government.

I turn first of all to Section 629, the Commerce-State-Justice division of the omnibus. The provision would undo the Federal Communications Commissions June 2 decision to incrementally raise the national television broadcast station ownership from 35 percent to 45 percent. Instead, the provision would set the ownership cap at 39 percent. I strongly object to the inclusion of this provision for both procedural and substantive reasons. Procedurally, this is a blatant attempt by the appropriators to usurp the jurisdiction of the authorizers. I have not supported the use of the appropriations process to legislate policy and I will not do so today. Substantively, this provision is objectionable because while purporting to address public concerns about excessive media consolidation, it really only addresses the concerns of special interests. It is no coincidence, my friends, that the 39 percent is the exact ownership percentage of Viacom and CBS. Why did they pick 39 percent? So that these two major conglomerates would be grandfathered in, purportedly, in order to reduce the media ownership, which was voted 55–40 in the Senate. The fact is now they are endorsing Viacom and CBS's 39 percent ownership, grandfathering them in because they should have been at 35 percent. Remarkable.

I am not sure where the line should be drawn. We have spent hours and hours and hours in the Commerce Committee in hearings on this issue. I have never seen such an uprising of American public opinion on an issue that surprised me as much as this issue of media concentration. Hundreds of thousands of people contacted the FCC on this issue. A vote was forced in the Senate which rolled back—the first time in my memory—a decision of the Federal Communications Commission. I had very mixed emotions about it. But when I saw a clear channel radio go from 140 stations to 1,240 stations and there is a toxic spill in Minot, ND, and there is not a single person in any of those stations to warn the local people, I am worried about media concentration.

So what did the appropriators do? They pandered to a special interest, Viacom and CBS, and grandfathered them in. That is what this is all about. Do you think they addressed the major concern that most have, which is cross ownership? When Gannett owns the Arizona Republic and Channel 12, it is OK. What happens when Gannett owns Channel 12 and Channel 10 and Channel 5? That is what concerns people.

So the appropriators, in a blatant bow to Viacom and CBS, insert a 39 percent rule. I again give credit where it is due, the power of the National Association of Broadcasters, which is not included in the provision, as the ultimate proof of their influence. Why is it that other concerns that have been raised and were voted on in the Senate were not included in the appropriations bill? It is because the National Association of Broadcasters did not want it in.

As I mentioned, this is not the first attempt by Congress to undo the FCC's new media ownership rules. Last September, the Senate voted 55–40 in support of Senator DORGAN's congressional disapproval resolution which sought to declare all of the FCC's new media ownership rules "null and void." The omnibus spending bill is not the appropriate legislative vehicle to undo the commission's broadcast ownership cap.

If the Congress wishes to take action on the issue of media ownership, it ought to do so in the committee of jurisdiction. The issue of media ownership is far broader than the limited scope of this provision. As William Safire wrote in an op-ed piece in the New York Times, itself a large owner of several media outlets: The effect of the media's march to amalgamation on America's freedom of voice [is a] far-reaching political decision [that] should be made by Congress and the White House, after extensive hearings and fair coverage by too-shy broadcasters, no-local-news cable networks, and conflicted newspapers.

I can spend a lot of time later on this year on this whole issue of what is happening with localism, with the station owner in Baltimore where the person goes on the set with an overcoat on and says, It is really cold here in Minnesota today. These are serious issues.

What did the appropriators do? They decided to do something for the National Association of Broadcasters. We had multiple hearings in examining media ownership and several committee members introduced S. 1046, the Preservation of Localism Program Diversity and Competition in Television Broadcast Service Act of 2002, and that is what we should be debating.

As the Senator from North Dakota, Mr. DORGAN, has said many times, we now have many voices and one ventriloquist.

Now, if we could have a little straight talk here today, while the NAB is unhappy with only part of the FCC's new rules, there is no valid public policy reason why both of the FCC rules should not be considered together. In fact, if only one rule could be addressed, as I said before, the broadcast/newspaper cross-ownership rule is the one that should be addressed.

In an October hearing before the Senate Commerce Committee, the entire panel of academics and analysts agreed that the FCC's new newspaper/broadcast cross-ownership rule would have a significantly greater impact on media ownership concentration than the new 45-percent national television broadcast ownership cap.

One of the panelists, Dr. Mark Cooper, provided the example of Tallahassee, FL, where the top TV station has a 70-percent market share and the daily newspaper has 60 percent penetration. If they merge, they would employ almost two-thirds of all local journalists in that community.

A September article in Business Week recognized this and stated:

> The 45% cap has become a rallying symbol, but the regulations that would truly reorder America's media landscape and affect local communities have flown under the radar. These would allow companies to snap up not only two or three local TV stations in a market but also a newspaper and up to eight radio stations. If the courts and Congress are worried about the dangers of media consolidation, they'll have to resist calling it a day after dispensing with the network cap and go after the rules with real bite.

In opposition to the National Association of Broadcasters selective advocacy, all four television networks have quit their membership in NAB. In a resignation letter submitted last year, ABC/Disney wrote:

> Almost two years ago, the other major broadcast networks resigned from the NAB. The issue was the patently hypocritical NAB position favoring deregulation of newspaper cross-ownership and duopoly while simultaneously advocating continued regulation of the national station cap. The NAB and the public policy process in Washington should not be abused to advance the business interests of one broadcaster over another.

The ABC/Disney suggestion is exactly what is going on here. This provision is not about public policy; it is about advancing the interests of the National Association of Broadcasters.

To summarize, stand-alone legislation like S. 1046, that was reported out of the authorizing committee, is the correct vehicle to address these difficult and complex issues involving media ownership. Attaching a rider to selectively address concerns of special nonpublic interests is not the way to make good policy.

Let me state from the outset I take a back street to no one in my support of second amendment rights. I have supported nearly every law that protects the rights of law-abiding gun owners since first coming to Washington. But there is a special interest rider included in this Omnibus appropriations bill that is absolutely appalling. The House sponsor of this provision has argued that it benefits gun

owners, but the only gun owners it seems to help are those who have broken the law.

This rider has three major provisions, all of them unnecessary for gun owners, and none of them helpful for law enforcement.

First, it requires that background check approval records be destroyed within 24 hours instead of the current policy of 90 days. Proponents argue that keeping these records for 90 days constitutes a national firearms registry. I want to be very clear, I oppose Federal registration of firearms.

I also want to be equally clear that our current policy of keeping these records for 90 days does not constitute in any way, shape, or form a national registry. It is a phony issue.

The 90-days retention allows the NICS system to correct mistakes that occur when they accidentally approve someone who should have been denied a gun in the first place. This happens about 500 times a year, according to the General Accounting Office. Nearly all these false approvals are because of missing domestic violence records. So as far as I can tell, this provision benefits no one except those who should have been denied a firearm but were not.

The second provision prevents ATF from conducting an inventory audit of licensed gun stores. This means that ATF auditors will have no way of knowing if a gun store is missing firearms, a sure sign that they are selling guns illegally without the proper background checks.

In Tacoma, WA, ATF auditors recovered 233 firearms missing from Bull's Eye Shooters Supply store. One of those weapons was used by the accused DC area snipers. Why are we putting special language in a must-pass Federal spending bill to protect a store such as Bull's Eye? Consider the potential consequences.

A third provision prohibits the public release of crime gun trace information. This information is not top secret data that jeopardizes our national security or hinders law enforcement. We cannot have a government that operates in secret and refuses to release information that shows where criminals have obtained a gun.

This provision has no support from the law enforcement community, and was even opposed by Chairman YOUNG and Subcommittee Chairman WOLF. Yet here it is today included in this terrible bill. This language is an embarrassment to law-abiding gun owners and a slap in the face to law enforcement.

Now, it is going to get a little esoteric here for a second, but it is very important. Because what we have done in this bill has basically changed the entire fishing industry and the way they do business, again, to protect certain entities in the State of Alaska.

One of the policy riders is language that authorizes the Bering Sea and Aleutian Islands crab fisheries rationalization plan, which would divide 90 percent of that crab market among just a small group of processors. Under the provision, fishermen could only sell this crab to those few processors and, in turn, only those processors would sell to consumers.

We are creating a cartel, a Government-mandated cartel. And who is going to pay for that, at the end, in the form of higher prices? Those who eat this crab all over America, including my State.

This legislative language has not been considered by the authorizing committee nor requested by the administration. This provision raises serious antitrust concerns. Again, it would require—not simply allow but require—the crab fishermen to sell 90 percent of their crab harvest to predetermined processing companies. This precedent-setting action would vitiate antitrust laws, limit competition in the seafood sector, and ultimately hurt fishermen and consumers. Fishermen around the Nation have expressed strong opposition to this provision, as have at least a dozen newspaper editorial boards.

Before I go any further, I wish to clarify the difference between ''fishing quotas'' and ''processing quotas.'' Fishing quotas are allocation tools that allow fishermen to catch a certain portion of the overall allowable harvest. Fishermen can determine when and under what conditions to fish with such quotas, and fishing quotas have been widely recognized to benefit fishermen, the environment, and consumers.

In contrast, processing quotas would allocate buying rights for the crab catch among a handful of processing companies so that each would be guaranteed to receive a certain percent of the overall harvest. Regardless of how efficient these processors are or what kind of price they are offering, they would have a guaranteed market share. I thought that kind of thing went away with the Berlin Wall. Under this plan, it would be illegal for fishermen to take their crab to other processors.

This language would have far-reaching consequences. Yet it was included in this must-pass bill without ever having been considered or debated by the committee of jurisdiction, the Commerce Committee.

Fishermen throughout the Nation object to the crab plan's individual processing quotas, IPQs, because the precedent-setting nature of this action could lead to IPQs in the processing sector of other fisheries. Indeed, crab boat owners and crew from all over the country—even from Arizona—have voiced their opposition to this proposal.

''Crab cartels,'' the Anchorage Daily News—even the Anchorage Daily News. ''Stevens pushes plan that gives processors too much market power.''

The Los Angeles Times: ''Toss This Stinker in the Sea.''

The Seattle Post-Intelligencer:

The quota plan would guarantee shares not just to boat owners, as has been done successfully with other species, but also to fish processors on the land. That has nothing to do with safety. As the U.S. Department of Justice recognizes, it raises significant antitrust concerns.

Crab Cartels are Bad News for Maine Lobster Industry.

Seattle Times:

Crab Industry Bakes a Monopoly Pie.

Seattle Times:

Feeling Crabby? No Need for a Monopoly.

It goes on and on. There is nobody who thinks this is a good idea.

In addition to affecting the price setting process, I am aware of at least one crab fisherman who owns a fishing boat and a ''catcher-processor'' boat. He objects to this policy rider because it would make it illegal for him to sell his own catch to himself, so that the catch from his fishing boat could be processed on his processing boat.

According to the National Research Council, the General Accounting Office, and the Department of Justice Antitrust Division, fishermen's concerns about IPQs are clearly justified. The 1999 NRC publication, Sharing the Fish, found no ''compelling reason to establish a separate, complementary processor quota system'' to accompany an Individual Fishing Quota program. These findings were echoed by the GAO in its December 2002 report on IFQs, which failed to find the IFQ programs resulted in harmful impacts on processors in the halibut and sablefish fisheries that would warrant creation of an IPQ program.

Furthermore, on August 27, 2003, the Assistant Attorney General of the U.S. Department of Justice Antitrust Division wrote a letter to the General Counsel of the National Oceanic and Atmospheric Administration, NOAA, in which he opposed the IPQ provisions of the crab plan, stating ''processor quotas are not justified by any such beneficial competitive purpose'' and that ''The Department urges NOAA to oppose IPQ.''

While the fisherman are up in arms, the processors are already counting their chickens, or in this case, crab harvests, and in turn, their profits. That is because the percent of the harvest that they will be able to process in the future is based on how much they have processed in the past under the free market environment. Regardless of future operational efficiency, supply and demand, or any other real-world factors, these processors will be guaranteed their allocation in perpetuity. Consider, for example, one company that recently has processed roughly 20 percent of the Bering Sea and Aleutian Island crab. This provision will assure that company continues to receive 20 percent of future harvests—worth on the order of tens of millions of dollars annually.

For centuries, fishermen have used market forces to negotiate their dockside prices, and this has had the effect of maintaining competition and benefitting consumers. Processor quotas throw an enormous wrench into the free market machinery.

In addition to affecting the price-setting process, the crab IPQ plan also would effectively prevent new processors from entering the industry. If anyone wants to enter the processing sector, they would need to buy the processing rights from the few processors who would have processing quota.

Considering all these facts, the administration has officially stated its opposition to IPQs, as reported in the Sacramento Bee, Kodiak Daily Mirror, Anchorage Daily News, and Seattle Times. The administration's proposed language for amending the Magnuson-Stevens Fisheries Conservation and Management Act clearly specifies that processors could own fishing quota, but does not propose a separate quota system divvying up processor quotas.

Editorial boards from at least 12 major newspapers—the Washington Post, Washington Times, Boston Globe, Oregonian, Anchorage Daily News, Los Angeles Times, Honolulu Advertiser, Daily Astorian, Seattle Times, Seattle Post-Intelligencer, Portland Press Herald in Maine, and the Tampa Tribune—have come out against IPQs. Note that these newspapers include the entire west coast—even Alaska and Hawaii.

I ask unanimous consent they be printed in the RECORD.

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

[From the Los Angeles Times, Oct. 5, 2003]

TOSS THIS STINKER IN THE SEA

Ted Stevens thinks the Alaskan fishermen and processors he represents shouldn't have to comply with federal rules they don't like. So the powerful Republican, chairman of the Senate Appropriations Committee, attached a rider to the Commerce, Justice and State appropriations bill to give Alaskan industry a pass.

Stevens insists that Alaskans have done a better job husbanding their fish-teeming waters than have other states. Regardless of whether he is right about the health of the Alaskan crab, salmon and pollock populations, he's wrong to use the appropriations process to grant favors that rewrite federal resource law behind closed doors.

One provision of his rider would freeze all funds to enforce federal laws imposing new limits on crabbing and fishing in sensitive ocean habitat. Another legal barnacle guarantees certain processing companies 90% of the lucrative Bering Sea and Aleutian Islands crab catch. This unprecedented deal not only would favor some processors and unfairly exclude others, it would hobble fishermen from offering their prized catches to the highest bidders.

This rider is troubling by itself. But it becomes deeply disturbing when combined with the growing market for seafood and the more efficient fishing techniques that threaten ocean species. For example, the red king crab season in Alaska's Bristol Bay this year was the shortest ever. Crabbers captured an entire year's quota in a little more than two days by using 700-pound steel pots baited with chopped herring and set and retrieved by hydraulic launchers and large winches. Yet even as this high-tech harvest intensifies each year, Stevens would order federal regulators to lay off, a move certain to put more pressure on the prized critters' survival.

Stevens' rider also would set destructive precedent. California, Florida or Maine lawmakers could decide they want to suspend federal rules protecting their fish.

Federal fisheries law is and should remain the product of consensus and deliberation, not one senator's backroom maneuvers. that's why Sens. John McCain (R-Ariz.) and Olympia J. Snowe (R-Maine) promise to ''strenuously oppose'' Stevens' rider. When the mammoth spending bill that it is hooked to comes before the Senate, other senators too should cast his smelly deal into the deep.

[From the Anchorage Daily News, Sept. 16, 2003]

CRAB CARTELS—STEVENS PUSHES PLAN THAT GIVES PROCESSORS TOO MUCH MARKET POWER

U.S. Sen. Ted Stevens is fast-tracking a controversial plan that dictates where Alaska's Bering Sea crab fishermen are allowed to sell all but a tiny part of their catch. He is pressing the legislative process to ram through a scheme that short-circuits market competition.

The concept Sen. Stevens is pushing is known as processor quotas. Using a legislative shortcut called a rider, he tacked his measure onto one of the 13 federal spending bills that have to pass each year, instead of pursuing a stand-alone bill that would have to be judged on its own merits in committee and on the Senate floor. A rider is no way for Congress to make such a complicated, far-reaching and hotly disputed decision.

Processor quotas are part of a larger set of fish management changes that address real problems in the Bering Sea. Fishing for crabs today is a free-for-all, a race to see who can catch the most the fastest. As a result, too many boats are chasing too few crabs. They go out in dangerous weather, and crews work dangerously long hours. The boats then rush to deliver their catch, so processing plants have to move huge amounts of product before it spoils.

To cure these problems in some other Alaska fisheries, federal managers now use individual fishing quotas. In that system, the government gives each fisherman the right to take a certain percentage of each year's allowable harvest. Fishermen can go out when it's safe and work at a safe pace without having to worry that others will grab all the fish. Fish plants have more time to process the catch and produce higher-quality products.

These fishing quotas have improved the safety and economic health of other Alaska fisheries. Processors, though have complained that fishermen with quotas now have too much time to shop around and get higher prices for their catch.

Crab processors persuaded the North Pacific Fishery Management Council to try to cure their problem. So when the council decided to give fishermen rights to catch Bering Sea crab, fish plants in the region also got guaranteed rights to process the catch. Fishermen would have to sell 90 percent of their catch to existing processors. This part of the council's plan requires congressional approval, which is where Sen. Stevens and his rider come in.

Processor quotas are a straightforward way for fish plants to limit competition and grab back economic power they might lose if fishermen get a guaranteed share of the catch. Imagine if Congress dared to tell farmers they could sell their grain only to a handful of agribusiness companies. There would be an uproar on the plains. The U.S. Department of Justice opposes fish processor quotas because they are anti-competitive, and indeed they are.

Processor quotas are a government attempt to do the economically impossible. They are a convoluted system that tries to hold everybody harmless as the government revamps management of the crab fisheries. It's inevitable that those changes will create winners and losers, both among fishermen and processors. The government can't micromanage such complex economic consequences and shouldn't even try. The job is just too complicated, the mechanisms too convoluted, the intervention in markets too deep.

Sen. Stevens says he's just doing what the professional managers at the federal fish council want. (They unanimously approved a crab management plan with processor quotas.) The only problem is that the fish council is an industry-dominated process. This complicated, anti-competitive deal was hatched up in an attempt to keep all the players at the table happy. Consumers and free-market advocates don't have a seat on the council.

[From the Seattle Post-Intelligencer, Nov. 3, 2003]

BOAT QUOTAS MAKE CRAB FISHING SAFER

Crab fishing off Alaska can be made safer.

The key to reducing fatalities is a quota system. Allotting shares of the Alaska crab catch to boat operators could end the frenzied, dangerous free-for-all operations, dramatically documented by recent P–I stories and photos.

Unfortunately, Sen. Ted Stevens of Alaska is trying to ram through a broad new kind of quota system with too little consideration. At the same time, Stevens would halt several efforts to protect Alaskan fish. He would do it by attaching a rider to a vital spending bill. As fellow Republican Sens. John McCain and Olympia Snowe recognize, that's a poor way to make policy.

Attaching riders to spending bills end-runs the lawmaking process. Stevens' proposals need full scrutiny. His rider would reopen a troubled pollock fishery, stop studies of critical North Pacific habitat and prevent new rules against bottom-scraping trawling equipment.

The quota plan would guarantee shares not just to boat owners, as has been done successfully with other species, but also to fish processors on the land. That has nothing to do with safety. As the U.S. Department of Justice recognizes, it raises significant antitrust concerns.

Unless Stevens rewrites his rider, the Senate should block it. In the name of saving lives, too much mischief could be played.

[From the Portland Press Herald, Nov. 3, 2003]

''CRAB CARTELS'' ARE BAD NEWS FOR MAINE LOBSTER INDUSTRY

A rider on the commerce appropriations bill has made some Alaska fishermen and environmental groups, well, crabby.

Rightly so.

Sen. Ted Stevens, R–Alaska, is trying to push through a plan that would essentially create ''crab cartels'' in Alaska, guaranteeing certain crab processors a quota of the catch. That undermines fair market competition. As the Anchorage Daily News rightly points out, nobody would try to tell farmers that they could only sell their grain to certain agribusinesses.

Crab producers want the plan, obviously, because it guarantees them business but they also say it will get crab to consumers faster.

Such a rider would set a dangerous precedent, shifting oversight of the details of the regulatory process from the regional council and giving it to Congress. The regional council system is flawed, but it does allow for more public input. There's also a danger of this plan eventually affecting other business, such as Maine's lobster industry. Sen. Olympia Snowe is opposed to the rider.

The plan also would end funding for identification and protection of essential fish habitat, making sensitive areas such as coral reefs vulnerable to damage by huge trawlers.

This rider is bad for Alaska and it's bad for the nation as a whole, and it should be removed from the bill.

[From the Seattle Times, Nov. 1, 2003]

FEELING CRABBY? NO NEED FOR A MONOPOLY

Seafood processors, led by Seattle-based Trident Seafoods, have been campaigning for years for exclusive rights to buy crab from the Bering Sea fleet. If these rights come into effect, a newcomer who wanted to buy that crab would have to buy the rights to buy crab from companies already in the business.

In the proposal now under consideration, anyone wishing to enter the crab-processing business would have to get permission from someone already in it.

And that is a monopoly privilege.

Processors say they are asking only for what boat owners will get: an individual quota of crab. But these two quotas are not the same.

For the fishermen, crab is wild and in the public domain. There has to be a quota, either for the whole fleet or each boat. The idea of a quota for each boat allows crab to be harvested slowly, cost-effectively and safely. There is a public interest in doing it that way.

Processors buy crab that is already harvested. There is no public-interest reason to give certain processors what amounts to ration coupons. And nowhere else in U.S. fisheries do such rights exist.

Individual harvest quotas exist in halibut, black cod and elsewhere. But they are never buying quotas.

Sen. Ted Stevens, R-Alaska, and head of the Appropriations Committee, is now offering processors quotas to buy. Stevens' effort is a rider to an appropriations bill that is necessary to fund the federal departments of State, Commerce and Justice.

Stevens' rider would also cancel a study by the National Marine Fisheries Service of coral and sponge in the waters off Alaska. The study aims to find out how important these are to marine life, including fish and crab, how coral beds are affected by bottom trawling, and what measures might be taken to protect valuable habitat. * * *

[From the Washington Times, Dec. 13, 2003]

A BITTER PILL FOR CRABBERS

(By Donald R. Leal)

Depletion of the fish in our coastal oceans is a growing environmental concern, and the state of Alaska is poised to help correct the problem. But Alaska's senior senator, Ted Stevens, Republican, won't let it happen without attaching some expensive strings. Mr. Stevens is backing individual fishing quotas (IFQs) for Alaskan crabbers. That's good policy. But he insists on a provision requiring crabbers to sell 90 percent of their catch to a small group of established processors. That's bad policy. To accomplish this, he has attached a rider to an omnibus appropriations bill, which the House and Senate must vote on by Jan. 31.

Alaskan crab fishers participate in one of the most dangerous fisheries in the world. Loss of life is not uncommon. Part of the reason crabbing is so dangerous is that the seasons are incredibly short—only four to six days long in the winter—when winds are high, water is turbulent, and decks are icy.

Regulation has not ended the race that occurs when fishers depend for their livelihood on unowned resources like ocean fish and shellfish. IFQs could solve this problem. IFQs would give crab fishers a right to a specific portion of the total allowable catch set for Alaska crabs each year.

With IFQs, each crabber would know how much he or she is allowed to catch each season. Assured of such a quota, fishers would not be forced into the destructive ''race to fish.'' Fishing management councils could extend the seasons, fishing would be safer, the quality of the seafood would go up (fishers would have time to protect the quality), and fresh crab would reach the consumer more often.

But there's the rub—fresh crab. Mr. Stevens wants to protect the companies that process fish. Under the current regulatory regime, with its short, intense seasons, these processors invested in additional plant capacity such as extra freezer space. If IFQs are implemented and seasons extended, some of this processing and storage capacity will probably not be needed. Also, processors will also have less control over prices, because fishers will be able to choose when they want to fish.

Mr. Stevens is trying to create a package for crab fisheries that holds IFQs hostage to benefits for processors. His rider, which would give crabbers IFQs only if they deliver 90 percent of their catch to a handful of processors, has drawn protests from the Bush administration and Senate colleagues. Even the Justice Department has suggested it would not stand up under antitrust law. Fellow Republican Sens. John McCain of Arizona (and Olympia Snowe of Maine have also criticized Mr. Stevens for attaching a precedent-setting policy issue to an appropriations bill.

Processors deserve sympathy because they were steered by flawed government policy to invest in redundant capacity. But forcing crabbers to take their catch to a specific processor will hurt their chances of receiving a competitive price. It could also derail the effort, supported by free marketers and environmental activists alike, to implement IFQs elsewhere. Surely better options—like a stranded capital buyout program or simply including processors in the allocation of the individual fishing quotas—exist for compensating processors.

Alaska's halibut fishery has already shown the benefits of IFQs. In the early 1990s, halibut fishermen were limited to fishing during just three 24-hour fishing openings a year. Catching halibut was dangerous, profits were low, and most of the catch had to be frozen. When IFQs were adopted in 1995, the season was expanded to 245 days. Fishing became more profitable and safer. Fisheries in New Zealand, Iceland, Australia and Canada also show that IFQs improve fish management, reduce danger and improve product quality. Congress should not let the processors' difficulties stand in the way of a solution to a problem that is hurting marine resources around the world. Don't let Sen. Stevens' rider remain.

Mr. MCCAIN. Additionally, the conference report would authorize a similar processor quota program for Gulf of Alaska rockfish. Even though IPQ proponents had previously indicated that IPQs are needed for crab only, they are now proposing authorizing such a program for a different Alaskan fishery.

Further, the conference report also would authorize the North Pacific Council to open an area currently closed to fishing, but open it only to the Aleut Corporation, which would also have the exclusive right to process the fish. This new fishery could be worth more than $10 million, yet the proposal has not undergone the proper congressional authorization and oversight process that we demand for other important policy issues.

Obviously this proposal makes fundamental changes to our fisheries policies. This rockfish and pollock language was not requested by the administration nor the North Pacific Fishery Management Council, and it hasn't been reviewed by the authorizing committees. At a minimum, all of these new quota provisions merit thorough review and debate prior to their enactment.

The tacking of fisheries riders onto appropriations bills extends all the way to North Atlantic fisheries as well. Last-minute language was added that would prevent the administration from implementing a groundfish management plan required by the Magnuson-Stevens Act. Not surprisingly, the administration did not request this change, nor has the authorizing committee of jurisdiction held any hearings on this proposal.

In the northeast, fishery managers must comply with a court-ordered implementation date of May 1, 2004, for putting a groundfish management plan into effect, and the administration is now seeking public comment on and finalizing regulations to do this.

Even before we know what the final plan is, the language would prohibit the administration from spending any money to implement this plan. The legislative rider would authorize funding for only a certain set of management rules—which have already been determined by a court to be out of compliance with the Magnuson-Stevens Act.

So, under the language in the omnibus, it would be illegal for the administration to comply with Federal fisheries law as set out in the Magnuson-Stevens Act. If this provision is enacted, there is a real risk that the fishery could be ordered closed by a Federal court.

Again, this significant policy change was not considered by or debated in the Commerce Committee. I am more than willing to discuss ways to redesign the fisheries management council process, along with the rest of the Magnuson-Stevens Act, if indeed, it is as flawed as some seem to think it is. This rider, however, is not the appropriate way to make policy.

Section 626 of the omnibus broadly requires the Secretary of Commerce to ''negotiate or reevaluate, with the consent of the President, international agreements affecting international ocean policy.''

Under 22 U.S.C. Section 2655a, however, international ocean policy issues are currently handled by the State Department's Bureau of Oceans and International Environmental and Scientific Affairs, or OES. Several marine resource conservation laws, including the Marine Mammal Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act, grant the Secretary of State the authority to

negotiate international agreements on these matters. Clearly, this language conflicts with the Secretary of State's statutory responsibility for carrying out a coherent foreign policy.

When appropriators first proposed such a transfer of responsibility in the FY04 CJS appropriations bill, Secretary Colin Powell explained, ''Such a provision would significantly hamper the Department's ability to address important foreign policy issues (e.g., oceans policy, marine pollution, global overfishing) to which the United States can ill afford to give short shrift.''

Considering the important role that the United States needs to maintain as a leader in the international community on ocean policy matters, I am dismayed that the appropriators would attempt to transfer these powers between government agencies without any public or expert review and debate. This is clearly a matter that needs the full attention of the Commerce and Foreign Relations Committees, and this has not happened.

A provision in the EPA portion of the VA–HUD section of this bill prohibits all States, with the exception of California, from exercising their existing authority under the Clean Air Act to regulate ''non-road'' engines to improve air quality. This language will effectively tie the hands of the State air pollution control agencies by preventing them from addressing the 120 million small engines which are a substantial and growing source of smog and soot pollution nationwide.

This provision was originally put in the VA–HUD bill at the request of a single engine manufacturer, Briggs and Stratton. The company suggested that the provision would save jobs. I find this argument very disingenuous due to the fact that, in its September 2003 filing with the SEC, the company stated, ''Briggs and Stratton does not believe that the CARB staff proposal will have a material effect on its financial condition or results of operations . . .''

Our colleague from California, Senator FEINSTEIN, made an effective argument against the language on the Senate floor during consideration of the bill, but she was not permitted to offer an amendment to strike the language. Mr. President, what has come out of the conference may be acceptable to California and to Briggs and Stratton, but it is unacceptable to me and should be unacceptable to almost every Member of this body.

If you have not heard from your State air agency yet, you certainly will soon. In the State of Arizona, for example, the potential emissions impact of these unregulated engines is equivalent to 1.4 million additional cars on the roads. This is almost certain to worsen the smog problem in the city of Phoenix, and I am sure it will be the same in many other cities in the Nation. I have no doubts that with worsening smog will come many more cases of asthma and a litany of other health problems. It is simply outrageous that States will be prohibited from exercising their responsibility to protect public health and the environment because one company was able to secure a special deal in a must-pass spending bill.

I also am very concerned that for the NASA funding portions, that the Joint Explanatory Statement to the conference report contains a list of 144 earmarks that total in excess of $300 million. These earmarks are unauthorized and unrequested by the President. Meanwhile, the international space station has been funded at $200 million below the President's request. This action comes despite news reports that have outlined numerous safety problems aboard the international space station.

The Columbia Accident Investigation Board (CAIB), which was assigned to determine the causes of last February's tragic accident, described the results of congressional earmarking in its August report. According to the CAIB Report:

> Pressure on NASA's budget has come not only from the White House, but also from the Congress. In recent years there has been an increasing tendency for the Congress to add ''earmarks''—congressional additions to the NASA budget request that reflect targeted Members' interests. These earmarks come out of already-appropriated funds, reducing the amounts available for the original tasks.

I must question whether we have learned anything from the shuttle accident and the CAIB findings. During a Senate Commerce Committee hearing last year, I questioned Admiral Gehman about the effects of the $167 million that was earmarked in fiscal year 2003 appropriations bill. He responded by saying that ''$100 million will buy a lot of safety engineers.'' Maybe we should ask what he thinks should be done with over $300 million worth of earmarks.

Mr. President, I would like to take a few minutes to discuss the importance of fully funding the international space station. Again, the omnibus provides $200 million less than the President's request at a time when serious safety concerns have been raised about the space station. This underfunding could be corrected if we simply eliminated these wasteful earmarks and we'd even have money to spare.

William F. Readdy, the NASA Associate Administrator at the Office of Space Flight, testified before the Commerce Committee that the space station onboard environmental monitoring system which, ''provides very high accuracy information on atmospheric composition and presence of trace elements . . . is not operating at full capacity.'' He also testified that the crew health countermeasures, which include an onboard treadmill and associated resistive exercise devices, were ''operating at various degrees of reduced capacity and needed to be repaired, upgraded or replaced.''

Articles in the Washington Post paint an even more disturbing picture. An October 23, 2003, article describes:

> The problems with monitoring environmental conditions aboard the space station have festered for more than a year, some NASA medical officials said. Space station astronauts have shown such symptoms as headaches, dizziness and ''an inability to think clearly,'' according to a medical officer who asked not to be named. The onboard sensors designed to provide real-time analysis of the air, water and radiation levels have been broken for months, which has made it impossible to determine at any given time whether there is a buildup of trace amounts of dangerous chemical compounds that could sicken astronauts, or worse.

A November 9, 2003, Washington Post article reports that:

> A recent NASA study found that the risk of fire aboard the station has grown because the crew is stowing large quantities of supplies, equipment and waste in front of or near 14 portals that would be crucial for detecting and extinguishing a fire in any of the station's various compartments. There is also concern that a portion of the station's water stores supplied by the Russians may have high levels of carbon tetrachloride, a toxic contaminant.
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> As far back as March, internal studies warned of a host of dangers for six separate systems, including the thermal controls that cool the station's computers and interiors, that would likely grow out of trying to run the station with limited supplies and a caretaker crew of two instead of the normal complement of three.

Before the recent launch of Expedition 8, the Chief of NASA's Habitability and Environmental Factors Office and NASA's Chief of Space Medicine signed a dissent to the ''flight readiness certificate.'' The dissent declared that ''the continued degradation in the environmental monitoring system, exercise countermeasures system, and the health maintenance system, coupled with a planned increment duration of greater than 6 months and extremely limited resupply, all combine to increase the risk to the crew to the point where initiation of [the mission] is not recommended.''

In addition, a December 6, 2003, Washington Post, article states that one of the gyroscopes that control the space station's motion failed, and that another was showing vibrations and spikes in electrical current. NASA will be forced to use Russian thrusters onboard the space station to shift the station's position.

These are very serious issues that cannot be ignored, yet here we are, about to approve more than $300 million for unrequested earmarks while underfunding more pressing needs. How will these cuts to the President's budget request affect the safety of the space station? Are we really willing to take any risks? Mr. President, that this practice continues in the face of legitimate safety concerns is simply unacceptable given the tragedies experienced just last year.

The Statement of Administration Policy opposed this $200 million reduction in the Senate-passed VA–HUD bill, stating that: ''After diligently rebuilding reserves to place the Station on sound financial ground, this reduction

would deplete reserves deemed critical by independent cost estimates and limit the program's ability to address risks in FY 2004, including impacts from the *Columbia* accident.''

You know, I have to admit I am naive. I thought after the *Columbia* disaster we would see a reduction in the earmarks. It was an increase.

In addition, I have been informed that this reduction would place at risk actions that NASA is taking to address the Independent Management and Cost Evaluation (IMCE) Task Force recommendations to ensure a ''credible'' ISS Program.

I know there is a lot of excitement about last week's announcement by the President proposing a new agenda for human exploration of the Moon, and eventually Mars. However, let us also note that he reaffirmed the United States commitment to completing the ISS. The Commerce Committee will hold a series of hearings to discuss the proposal, but we will not lose sight of our responsibilities of ensuring the safety of the space shuttle and international space station.

Finally, it is unfortunate that the appropriators, while earmarking hundreds of millions of dollars in NASA, underfunded the Advanced Polarimeter Sensor of the Global Climate Change Research Initiative by $11 million below the President's request—a 47-percent decrease—yet could sure find funds for thousands of earmarks. This reduction would significantly impact the development of the sensor, which is designed to measure methane, tropospheric ozone, aerosols, and black carbon in the atmosphere. The proposed reduction would delay the purchase of ''long-lead'' item purchases, which could potentially delay the launch date of the satellite from 2007 to 2008.

As my colleagues know, the public is greatly concerned about the impacts of climate change on our environment and economy. Although the administration and I have a difference of opinion on the need to take action to reduce greenhouse gas emissions, we are in agreement on the need for research in this area. We should not cut this publicly significant research, so that we can simply fund local pork projects.

The bill would appropriate funding for the Advanced Technology Program, ATP, at approximately $152.2 million above the President's request. The language would ignore the President's attempt to rein in a corporate welfare program in a time of skyrocketing Federal deficits and critical national security needs. For example, the most recent ATP awards included a grant to Aqua Bounty Farms, Inc., to ''produce sterile transgenic fish that can be made fertile as needed for reproduction.'' I can assure you that the ATP program was never envisioned to fund the production of sterile transgenic fish.

I also am concerned about funding for the Scientific and Technical Research and Services account of the National Institute of Standards and Technology. This account supports NIST's scientific research, including Nobel Prize winning research on the Bose-Einstein condensates. This account is funded at approximately $43 million beneath the President's request, while the appropriators have continued to earmark activities within this account. I would ask my colleagues to ask themselves if it is more important to fund a spreadsheet engineering initiative at Dartmouth University, or research to help our beleaguered manufacturing sector. Should we fund a wind demonstration project in Texas or research to improve the equipment for our Nation's first responders? In the long run, it will be considered a great tragedy that we have wasted our Nation's scientific potential of meaningless parochial projects.

This reduction is even more disturbing given the reality that NIST will have to lay off many of its scientists and engineers due to lack of funding. Let me remind my colleagues that these are the scientists and engineers that have won two Nobel Prizes for research in the past few years. These layoffs will occur even as we continue to send funding to industry through the ATP program for research that is inconsistent with the program requirements of being ''high risk.'' That does not send the right message to our award winning scientist and engineers of how we value their work.

There is also language that redirects $40 million to the Port of Philadelphia for construction of a cargo terminal that is designed to support ''high-speed military sealift and other military purposes.'' Today, these type of vessels do not even exist, nor are they being championed by the military. They are supported, however, by the private investors and their lobbyists who obviously think it makes sense to place the risk of their venture on the backs of the taxpayers. Let me also mention that the design of these vessels is based on unproven technology. And, in reviews of the proposed vessel technology by the Department of Transportation, it was determined that the project did not qualify for government backed financing. It is ridiculous that despite these facts, this legislative rider will risk wasting $40 million of the taxpayers on a terminal to support a certain type of vessel that may never exist. This is a costly example of putting the cart before the horse.

By the way, we have ample precedent. The Senator from Hawaii, the Senator from Alaska, and the Senator from Mississippi put in loan guarantees for cruise ships to be built in Pascagoula, MS, which cost the taxpayers $273 million in loan guarantees, which I fought against and predicted would fail. Only $273 million. By the way, for those of you who keep up with it, the hulls of these cruise ships in Mississippi have been towed to Europe.

Mr. President, it's time to get serious about what we are doing here. We have a deficit of $500 billion—that's half of a trillion dollars—the largest ever. Our fiscal future can only be described as bleak. Government watchdog organizations and think tanks, both liberal and conservative, have expressed enormous concern about the level of spending in this bill.

A recent report by the Heritage Foundation states:

> Following increases of 13 percent and 12 percent during the previous two years, 2004 would mark the third consecutive year of massive discretionary spending growth.

It further notes that:

> Altogether, total Federal spending in 2003 topped $20,000 per household [I am glad we don't divide that up by States] for the first time since World War II and is set to grow another $1,000 per household in 2004.

According to a joint statement issued by the Committee for Economic Development of the Concord Coalition Center on Budget and Policy Priorities:

> Without a change in current fiscal policies, the Federal Government can expect to run a cumulative deficit of $5 trillion over the next 10 years.

These numbers are shameful and frightening.

Another astonishing part of this report states:

> After the baby boom generation starts to retire in 2008, the combination of demographic pressures and rising health care costs will result in the cost of Medicare and Medicaid and Social Security growing faster than the economy. We project that by the time today's newborn reaches 40 years of age, the cost of these three programs, as a percentage of the economy, will more than double from 8.5 percent of the GDP to over 17 percent.

I urge my colleagues to read this joint statement.

The Congressional Budget Office has issued warnings about the dangers that lie ahead if we continue to spend in this manner. In a report issued last month, CBO stated:

> Because of rising health care costs in an aging population, spending on entitlement programs, especially Medicaid, Medicare, and Social Security, will claim a sharply increasing share of the Nation's economic output over the coming decades. Unless taxation reaches levels that are unprecedented in the United States, current spending policies will probably be financially unsustainable over the next 50 years. An ever-growing burden of Federal debt held by the public would have a corrosive effect on the economy.

That is from the Congressional Budget Office, not from any liberal or conservative think tank, as much as I value those.

Additionally, CBO projected a 10-year deficit of $4.4 trillion.

The Wall Street Journal recently reported, according to an International Monetary Fund report:

> If cumulative budget deficits rise by 15 percent of gross domestic product, as the Congressional Budget Office expects, world interest rates would be pushed up by one-half to 1 percentage point over 10 years.

We are paying a price overseas for our reckless spending. The U.S. dollar is tumbling, and it is a result of our fiscal indiscipline and our enormous deficit. Foreign countries are losing confidence in the dollar. To underscore the

point, today the dollar stands at a 7-year low, worth 80 cents against the Euro, a 40-percent drop in under 4 years.

In his State of the Union Address last night, the President called on us to act as good stewards of taxpayers' dollars. My response to the President: Mr. President of the United States, you also must be a steward of taxpayers' dollars. Veto this bill. Veto this bill, Mr. President of the United States, and demand this pork be removed—this $11 billion in pork be removed—and send a message that it is not business as usual anymore in the Senate. We cannot do this to our children and our grandchildren. We cannot do this to them.

Sooner or later, we are going to have to make some choices around here. We are going to have to make some choices between our children's and our grandchildren's futures and having some kind of fiscal sanity and plan for the future. We cannot continue the practices of the Senate. We need to have a point of order that any unauthorized appropriation and any policy change is subject to a specific point of order, not one that brings down the whole bill, but one that brings down that provision.

I could bring a point of order against this bill, and it would lose by 99 to 1 because it brings the whole bill down. We should have the right to object, and object vociferously, to North Pole, AK, getting $200,000. We should be able to object to the brown tree snake in Alaska in which we have invested I have no idea how many tens of millions of dollars. I think Alaska and Hawaii should pay for their own statehood celebrations. We in Arizona do.

If I sound like I am angry and upset, it is because the people I represent are angry and upset. The people I talked with in my State, who I have been privileged to represent for a long period of time, are deeply disturbed. They know what is going on. They know their kids are not going to ever receive Social Security benefits as present retirees are today. They know we just laid a multi-trillion-dollar debt on them in the form of a Medicare prescription drug bill, and they figured it out. By the way, the overwhelming majority, the last poll I saw, 58 to 42, don't like this prescription drug bill which no senior I know can understand, and I don't blame them because I don't understand it either.

If I sound as if I am not happy and perhaps given to flights of rhetoric, which I am from time to time, it is because my constituents are demanding that we change this system. The appropriators have become all power in this body. That is not appropriate. We need to change the rules, and we need to change the way we do business.

Last year, we stood here with an Omnibus appropriations bill. This year we stand here with an Omnibus appropriations bill. I was pleased we did not cut off debate until I heard: We are just doing this for labor, but it will pass. We are just going to do this for labor once.

How stupid is labor? If I were a labor leader, I would say: Either vote it down or vote it up, but don't throw me some kind of 4-day delay.

I understand labor just took some significant setbacks. They are about to take another one.

Mr. President, I will continue to fight. I will continue to see if we can't stop funding the Rock and Roll Hall of Fame and get our thrills on Blueberry Hill, the wild turkey, and all of the other turkeys that have become part and parcel of this thousand-page piece of pork.

I thank my colleagues for their indulgence. We will be hearing about this issue for a long time to come because the American people demand we address it.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time?

Mr. HARKIN. Mr. President, what is the order right now?

The PRESIDING OFFICER. The chairman and ranking member of the Appropriations Committee control the time until 6 o'clock.

Mr. HARKIN. Mr. President, in their absence, I ask unanimous consent that I be allowed to proceed for 15 minutes.

Mr. GRAHAM. Mr. President, I would like the Senator to amend the request he has just propounded so that I might have 15 minutes immediately after Senator HARKIN.

Mr. REID. Mr. President, the Senator from New Jersey, Mr. LAUTENBERG, has been waiting a long time. He is in the cloakroom. If we can have Democratic speakers in order, Senator HARKIN, Senator LAUTENBERG, then Senator GRAHAM, and Republicans to speak in between, that will certainly be appropriate. We have been going back and forth. Will that be OK?

The PRESIDING OFFICER. A unanimous consent request has been propounded. Is there objection to the request? Without objection, it is so ordered.

Mr. HARKIN. I thank the Chair.

Mr. President, picking up where I started earlier today, I listened to the President's State of the Union Message hoping he would come up with a real jobs plan to help America's families. But quite frankly, there was nothing in the State of the Union Address that talked about that.

We need to extend emergency unemployment for the hundreds of thousands of people who paid in when they were working, but months after losing their jobs, they still can't find work.

We need to raise the minimum wage, which has not been increased in 6 years.

And right now, most important of all, the administration needs to withdraw its proposal that would deny millions of American workers their overtime pay protections.

Five months ago, the Senate voted on my amendment 54 to 45 to block the administration's effort to take away overtime pay protection for up to 8 million workers. That's right, the Bush proposal that came out of the Department of Labor would deny overtime pay protection to 8 million American workers.

The House followed soon after us and voted 223 to 201, and the Senate spoke again yesterday in its vote against cloture.

Now, again, this should not even be an issue in the Omnibus appropriations bill before us. Congress spoke up clear as a bell. They said: No, the administration should not strip overtime pay protection for these 8 million workers.

As we all know, the administration refused to accept the will of Congress. The administration ordered its foot soldiers in the House to strip the provision from this omnibus bill. Senator SPECTER and I fought to keep it in, but the administration refused any cooperation or any compromise. In the end, just like that, the administration nullified the clear will of both Houses of Congress and of the American people.

This is a clear abuse of power by the administration and it is part of a pattern we have seen from this President time and again. The administration seems to believe in government by one branch, the executive branch. Time and again, we see this administration running roughshod over the will of Congress. When there are no checks and balances, the result is bad public policy, and that is exactly what we see today.

The administration's new rule is a stealth attack on the 40-hour workweek, pushed by the White House without one single public hearing. As I have said time and again over the last several months, it will effectively end overtime pay for dozens of occupations, including police officers, firefighters, clerical workers, air traffic controllers, social workers, journalists, nurses.

In the amendment that I offered and that we voted on and that the House supported, there was one part of the President's proposal our amendment did not touch. The President's proposal does increase the income threshold that guarantees overtime pay protection from $8,060 a year to $22,100 a year. In other words, if someone makes under $22,100 a year, under the President's proposal they are guaranteed overtime pay if they work more than 40 hours a week, regardless of their occupation. Well, my amendment did not touch that, but now we understand that the Labor Department is providing tips within the proposal to employers on how to get around it. It included helpful tips for employers, advice on how to avoid paying overtime to the lowest paid workers who are supposedly helped by the new rule.

For example, here is a list of what they have put out to employers—I might say probably to unscrupulous employers because honest employers are not going to do this anyway. If employers want to get around the rules,

the administration is telling them how to do it.

They are suggesting how employers can avoid paying overtime. First, they lower existing wages so when workers accrue overtime, their net pay will not grow. In other words, reduce their pay, work them longer hours so that the net effect is the same. So the workers will be working more than 40 hours a week but their pay will be exactly the same. Now, that is what has come from the Department of Labor. That is what they are telling employers to do to get around that provision in their proposal.

Secondly, they are saying change workers' duties so they are exempt from the overtime rules. Well, okay. So let's say someone makes slightly over $22,100 a year. Therefore, they might be eligible for overtime. Just change their designation. Say they are something else. Put them under the category of exempt from overtime, and guess what; they are exempt from overtime.

If an employee is close to the $22,100, what they are saying is, raise their wages to the level required to be exempt. So if someone is making $22,000 a year, or $21,700, just raise their pay to $22,100, work them over 40 hours a workweek, and do not pay them any more overtime. That is the way to get around it. This is from the Bush administration. That is what they are telling employers to do. Lastly, do not let them work more than 40 hours a week.

Well, this sweeping proposal is in direct contrast to the intent of the Fair Labor Standards Act of 1938 that established the 40-hour workweek for America's workers. It is a slap in the face to the millions of American workers who depend on overtime pay to support their families and make ends meet.

We are not talking about spare change. We are talking about taking away some 25 percent of the income of American workers. It is essential family income that helps pay the mortgage, feed the children, pay for college, save for a rainy day, save for retirement.

Now, again, one can say do not let them work more than 40 hours a week, family time is premium time. For an American worker to spend time with their children at baseball games, basketball games, football games, or at school meetings, or just to be home with their families late in the evening or on a weekend is premium time. If an employer is going to ask an American worker, a man or a woman, to give up their premium time with their families, they had better pay them premium wages, which is what overtime is.

No. The Bush administration is saying, hey, this family-friendly administration—how many times have we heard that, ''family-friendly administration''?—is now saying: Forget about it; if an employee wants to work overtime away from their family, we are going to make sure they do not get overtime. Or if they need the overtime to pay for retirement and stuff, we are suggesting they do not work an employee over 40 hours a week.

Again, we already know that American workers are working more than what they have in the past and more than what they have done in other nations. If we look at this chart, we can see that American workers work more hours than workers in other industrialized nations. Here is the United States over here. Hours worked per employed person in 2001 is slightly over 1,800. Look at where it is in Denmark, France, Ireland, the Netherlands, the United Kingdom, Italy, and Germany. American workers are already working longer than any other workers in any other industrialized country.

What the administration is saying is we are going to work employees longer and not pay them any more.

It will not create one new job. It will give employers a disincentive to hire new workers if they can force their current employees to work more hours with no increase in pay. That is exactly what it is. It is anti-worker. It is anti-family. It is bad economic policy.

Congress did the right thing in voting to block this new rule. Now that Congress's vote and voice have been nullified, we are hearing from the Department of Labor that the new rule will go in in March. I am here to serve notice that just as I offered this amendment last summer, I will offer it again and again on any legislation that comes to the floor of the Senate. We will not give up, nor will others who have fought this fight with us. The American people will not allow us to drop this issue. They have been watching this issue closely because it hits so close to home.

Lastly, I was home over the break period and there was this cartoon that appeared in the Des Moines Register which I thought kind of summed it all up. Here is a police officer standing over a poor guy who looks as if he has been run over by a truck. The police officer is taking it down and he is saying: ''You say the guy who took your overtime pay bore a striking resemblance to the one who gave it to you in the first place?''

So on the one hand, President Bush is saying we are going to raise the threshold so that employees are covered by overtime pay provisions. On the other hand, they are saying to employers: This is how to get around it. Here is how employers can get around this proposed rule so that they can take overtime pay away.

The President wants to have it both ways. He wants to tell the American workers that he is going to increase their overtime pay. On the other hand, he is whispering to employers: Do not worry, I have ways you can get around it.

There is only one way, and that is the right way, which is to pay workers what they earn and what they deserve and to pay them the overtime they need and for which they have worked.

The administration can take care of this right now. They could take care of it, but they have nullified what they have tried to do in Congress. So I urge the administration to do what is fair and just for America's workers and withdraw this harmful proposal. It is the right thing to do, to withdraw it.

I say to this administration if you think this is just an issue with labor unions, you are sadly mistaken. Everywhere I went in Iowa and some other States during the long break period that we had, I heard about this issue. Not just from union workers; white collar workers, nurses, firefighters, and others in our society. Maybe they don't belong to a labor union, but they are going to be drastically affected.

This cuts very deep. I don't know who gave you the advice, Mr. Bush, but it was bad advice. You ought to get a grip on this, President Bush. Get a grip on this and tell your Secretary of Labor to rescind this proposal. Work with Congress. We can, as we have many times in the past, come up with something. The Fair Labor Standards Act has been amended many times but always through an open process with open hearings, the best information, and Congress worked with the administration. We have never had any contention. Certainly we could agree on that level, that $8,060 level, that ought to be raised to $22,000. It ought to be raised. But then don't put out information saying OK, here is how you get around it.

Let's raise it. Let's make it stick. Let's not exempt all these workers from overtime pay protection.

That is the right thing to do. This Congress, this Senate, and this Senator will continue to fight to make sure this rule does not go into effect and that we protect the legitimate overtime pay protections of the American workers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I think this is quite a moment in history. It will be long remembered. It will be remembered for several reasons, not the least of which is the excessively optimistic tone that was issued by the President of the United States in his address on the State of the Union last night. Millions of people were watching and, I assume, thinking about the effects his thoughts will have on their lives.

It is presented as the Omnibus appropriations bill, but I think there is a better description than that complicated term that few in the public really understand. I would rather call it the ''ominous'' bill, and I am going to refer to it that way.

It is astonishing to me that we are here, nearly 4 months into the new fiscal year. Our friends on the other side of the aisle who control the White House, the House of Representatives, and the Senate, have failed to move through the Senate the result of the

conference with the House. It is an indictment of failure, an indictment of failure to govern.

The basic problem with this bill is that in an age when we are so conscious of saturated fats, this bill is saturated with special interest provisions that bring harm to the well-being of our constituents. In some cases, the bill even threatens the health of the American people.

For instance, stuck deep in this bill is a provision that blocks the country-of-origin labeling rules for agricultural products, including beef. In the wake of the mad cow scare, it is more critical than ever that Americans get more information about beef and other products they eat, not less information.

The bill also, regrettably, undermines workers' rights. Even though both the Senate and the House—both houses of the legislature—voted in favor of blocking the administration's new rule to deny overtime pay to 8 million Americans, this omnibus report allows the rule to go into effect.

The question is, How did it get there? You have heard me say that both the Senate and the House voted in favor of blocking the administration's rule to deny overtime to people, deny their just compensation from coming to them. How does this report ban that, those consensus votes? The President's overtime rule amounts to a 25-percent pay cut, on average, for millions of hard-working Americans, including police, firefighters, emergency workers, nurses, and many others. Many of these people are veterans. It amounts on average, according to the Economic Policy Institute, to $161 a week in lost wages—$161 a week. That is $8,000 a year that will be taken away by this rule.

It doesn't say you work less. The amount of time you work may be the same. But you are going to lose part of the compensation that you currently earn if you work those hours. It is a very important addition to the average week's pay.

Congress voted to stop this unjust rule. But the omnibus allows it to move forward. Is that how democracy works? Congress speaks clearly, unequivocally, on an issue and the White House comes in and tells the conferees: Hey, forget it; we don't care what the people in the Senate or the House in a majority vote want. You have to do what we tell you to do. And we are going to hold billions of dollars in funding hostage until you agree with us.

That is not democracy; that is extortion.

The overtime rule is not the only provision in the conference report put there because of this extortion. To clarify, there are lots of things in the appropriations bill. Some of them we would like to see put into place. But the administration, in a cute trick, held them out for ransom to pass this omnibus bill.

For instance, if you vote your conscience, you are going to lose your money. Your constituents are going to lose their money. The States and cities across this country are going to lose their money. If you dare to vote your conscience and do what is right, we are going to take away the funding that is justly yours.

There is another gift to corporate special interests in the omnibus, the new media ownership rules. Current media ownership law prevents a single company from owning local TV stations that reach more than 35 percent of the Nation's households. In most totalitarian nations there is usually only one or two broadcast stations that are controlled by the government. In this case, they are held by people who have a particular view of how society ought to get its information.

So in fairness to the constituents, the citizens across the country, we made clear that ownership of those outfits was to be held to a particular percent. In 2002, the FCC proposed raising the limit to 45 percent. Majorities in both the House and the Senate voted to block this FCC rule to weaken media ownership rules—to expand it for the fat cats who presently own it to let them foist their opinion all over America without rebuttal.

Congress spoke clearly. We said no. Leave these caps where they are. There is a reason and there is a value to them.

But in the conference on this omnibus, the limit was raised from 35 percent to 39 percent—some arbitrary act. By whom? We can't say around here. It is an odd-sounding number. Not coincidentally, that is the number just big enough to accommodate Mr. Rupert Murdock in his effort to allow his conservative views on his media empire to have more control over local TV news than is appropriate in communities across this Nation.

These problems are only some of the bad provisions contained in the omnibus.

I haven't even mentioned the worst problem in the bill.

This bill contains provisions that would help terrorists. I am heard correctly. I will repeat it. This bill aids terrorists who seek to harm the American people. A dangerous provision was snuck into this bill in the dead of night, put there by the Republican leadership carrying water for the gun lobby, that will help terrorists and criminals who purchase weapons to avoid detection by requiring the destruction of gun background checks. That is done to see if the person is stable or if they have any criminal connections, yet requiring the destruction of that information, that research, that investigation to be done in 24 hours.

What is the harm in holding that information and giving our law enforcement people a chance to further study it?

Some on the other side may say that ''terrorists don't buy guns on the legal market in the United States.'' But they do. In fact, the Bush administration has indirectly assisted them in the acquisition of guns.

A recent audit of a small sample of gun background check data by the Justice Department reveals that at least 12 suspected terrorists and perhaps hundreds purchased firearms in the United States last year. How did the Department of Justice find this out? By looking at gun background checks data.

But this ominous would change the law so that records of gun purchases are destroyed within 24 hours of sale. The logic to that escapes me and lots of people. I hope the American people pay attention to that. The Brady law calls for these records to be held up to 6 months. The current practice is to hold the records for at least 3 months so that there can be a second review or a second check.

If someone is on a terrorist watch list, they certainly ought to report it immediately to the FBI or the CIA or whoever it is that is going to follow up on this information if the war on terrorism is as serious as it ought to be. If the Republicans' 24-hour destruction rule were put into place, no audit or other investigation of terrorist activity involving weapons purchases would be possible.

The administration is already dragging its feet when it comes to investigating terrorists who purchase firearms. Believe it or not, when a known terrorist purchases a firearm, the policy of the Justice Department is to withhold relevant information from law enforcement. Why is that so? Why is Attorney General John Ashcroft so concerned with the gun rights of terrorists? I can't figure that one out.

We only found out about terrorists acquiring guns from the audit of gun background check data. But now, if this ominous is enacted, records will be destroyed in 24 hours. What the devil is the urgency to destroy those records? Purportedly, it is so we don't have some file or big brother looking over your shoulders.

Talk to any of the people who had family members in the World Trade Center neighborhood that I come from and ask them if those records ought to be destroyed in a hurry. Or ask the people who lost loved ones in Pan Am 103. If any of the records—if any of those people associated with Libya and that group goes to purchase a gun, those records ought to be left open until they are totally combed. If a person purchases a gun and it is discovered that terrorists are planning to launch an attack somewhere in the country, the records will have been destroyed. Whom are we trying to protect?

Under the 24-hour destruction standard, we will not know where the purchase was placed or when or what firearms were purchased. The loss of this data puts our communities at risk and hinders the ability of law enforcement to prevent terrorist attacks. Does that

make America safer? I am sorry that the President last night in his speech didn't object to having that held over our heads legislatively now.

In their zeal to please the National Rifle Association and other special interest gun groups, the majority is willing to undermine homeland security and individual security and put our communities in danger. So I ask the majority: Whose side are you on anyway? You really have to wonder when the Republican leadership decides that the protection of the anonymity of gun-buying terrorists is more important than protecting our country from terrorist attacks.

My home State, New Jersey, lost 700 people on 9/11. I would like someone from the other side of the aisle, or someone from the Justice Department, to sit down with those families, many of whom I know, who lost loved ones, and explain to them why we should destroy these records so quickly. Explain to these families why we need to protect the terrorists' identity when they try to buy a firearm. It is an outrage.

The majority claims that they care deeply about homeland security. I am sure they do. But in practice, when homeland security collides with gun rights, homeland security goes out the window.

I was a member of the Appropriations Committee for 18 years. The committee has always done its work in a bipartisan fashion. It is sad to see that bipartisanship evaporate at the snap of Karl Rove's fingers.

I say to my colleagues on the other side of the aisle: Let us take the pollutants out of this ominous bill. We have a responsibility to fund critical government programs without adding misguided or downright dangerous legislative riders.

I yield the floor.

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. GREGG. 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. GREGG. Mr. President, I will speak on the issue of the education funding in this omnibus bill which is being held up by our colleagues on the other side of the aisle, which is unfortunate.

The issue of education, of course, is one of the priorities of our concerns in Congress. We have made significant strides under President Bush in addressing a variety of different areas involving education, and this omnibus continues that progress. It is interesting to note the commitment which we as a Republican Party and the President, under his leadership, have made since coming into office.

The commitment to education, specifically, has been dramatic. For example, in the area of No Child Left Behind, which is funding for low-income disadvantaged students, as compared with the prior administration, in the last 3 years we have seen a 32 percent increase in funding, going from $18.4 billion up to $24 billion. In the Title I account, we have seen an increase of 41 percent, going from $8.8 billion to $12.3 billion. In the area of special education, we have seen a 59 percent increase in funding, going from $6.3 billion up to $10.1 billion. In the area of funds going to K through 12, totally, we have seen an increase of 36.5 percent, from $26 billion to $35 billion. In the area of Pell grants, we have seen an increase, going from $8.8 billion to $12 billion, or an increase of 37 percent. That is in the last 3 years of this President.

This bill carries forward those initiatives. The fact this bill is not passed and the Democrats insist on holding it up will represent a very significant cut in the amount of money that would have gone into title I, which is education for underprivileged children, into special education, and into Pell grants.

If we go under a continuing resolution, which is the other option to not passing this omnibus bill, it will mean title I will end up being cut by over $650 million. Those are dollars that go out to low-income kids, to schools that educate low-income kids, which is critical to bring these children up to speed so they can compete with their peers and have a chance at the American dream.

In addition, in the special education area, if this bill is not passed, it will represent an approximately $1.2 billion cut in special education. Anyone who goes back to their State and spends any time with their local communities knows the cost of special education is one of the most difficult issues which the local education community faces because the Federal Government requires, as rightly it should, that children with special needs be educated and be educated at a level competitive with their peers who do not have special needs.

Unfortunately, that is very expensive. Originally, the Federal Government said it would pick up 40 percent of the cost of that education, but it has not been doing that. However, since President Bush came into office, we have dramatically increased our commitment in the area of special education. As a result, we have been able to reduce the burden on the local property owner because more money has been going out from the Federal Government to bear its share of special education, thus relieving the local property tax owner from having to bear not only the local share of special education but also the Federal share of the special education. If this bill is not passed, that is $1.2 billion of additional spending for special education which will not occur, which will mean that burden will be thrown right back on to the local property tax payer. That is certainly not something we should do. We have an obligation to try to get to full funding of the Federal share of special education. The President has made that commitment and we are on that path. This bill is part of that effort.

Pell grants is another example. We all know it has become very difficult for people who are going to college today to pay the cost of college because college tuition has increased so dramatically over the last 10 years, outstripping the rate of growth of inflation by a factor of about two and a half times.

One of the ways we have tried to relieve that burden is to increase the amount of money or to increase the amount of people who participate in the Pell grant program, which is a grant program which helps kids who are in college pay for their college tuition. If this omnibus bill does not pass, the Pell grant program will be penalized with a loss of tens of millions of dollars which would be available for college students in order to help defray their cost of education so when they get out of college they can participate aggressively in the workforce and earn the rewards of participating in the workforce without having the huge burden of debt placed on them by having to pay for their tuition costs and borrow money to do that but, rather, by having a Pell grant, which is not a loan.

This is a critical issue for us as a country. As the tuition rates go up and up, it has become more and more difficult for many people to participate in college education. We as a society cannot compete in the world unless we have a highly educated workforce. That highly educated workforce is conditioned on people being able to afford college. This bill allows a lot of people to participate in college who will not otherwise be able to.

We can honestly say if this bill is held up, low-income kids who go to title I schools will not receive the support they need, kids who are special-needs children will not be receiving the support they need, and the local taxes of people will go up as their real estate tax burden will go up, and many kids who are attending college will be unable to continue their college because they will not be able to obtain the Pell grant. There are real lives at risk if this bill is not passed in its present form.

There are other things this bill has that address education which are equally interesting and equally, in my opinion, significant. The most significant is the fact this bill includes the District of Columbia's efforts to pursue other options for their children in the area of education. The Mayor of the District of Columbia, the head of the school board of the District of Columbia, members of the city council of the District of Columbia came to Congress and asked those in a position to deal with education issues, Will you help us do some more creative things to try to

address a very serious problem in our school districts?

The serious problem is this: Washington, DC, spends the second most per child of any school district in the country. The only other school district in the country that spends more per child is New York City. Yet Washington, DC, has the worst performance for its children of any school district in the country; in fact, the worst in many categories. A lot of parents feel their children are trapped in schools that are not working. The Mayor appreciates this and wants to improve the school system but wants to give parents other options. They have in this town a private proposal, a private program for kids whose parents want to send their kids to a private school through a choice program, take them out of the public schools and put them in a private school. There are 7,500 kids waiting to participate in that program.

The Mayor and the head of the school board and members of the city council came to us and said, We would like to try a demonstration program in the area of choice where we will basically set up a fund which allows parents—most of these are single parents, by the way—from very low-income situations to take their kids, if they are not performing and they are not getting the support they need in the public schools, to a private school as long as that private school subscribes to the standards we as a city public school system set both in the area of accountability and in the area of teaching those children.

It is a creative and courageous idea the Mayor has put forward along with the president of the education board and along with members of the city council—courageous, obviously, because it flies in the face of the professional education community, and especially the unions.

But the mayor is committed to trying to improve the educational level of the kids in Washington. He simply is not willing to accept the idea of generation after generation of children here in Washington being left behind and not being able to participate in the American dream because they cannot get the education they need.

When you have parents who are waiting, enthusiastically, to try to give their children an option, to try to give their children an opportunity, which does not exist today, by moving their child from a public school to a private school, when you have parents who are willing to take that risk with their children, and you have a mayor who is willing to do that, then you have a formula for maybe improving the lives of these children.

The mayor came to us and said: Give us this program. We would also like a program which helps us support more charter schools in the city and helps us do more school improvement in the basic public schools.

So we put together a package where we took $40 million out of other accounts within the Federal Government. I know because a significant amount of that $40 million came out of my own appropriations bill which has nothing to do with the city of Washington, and we moved that money into the city of Washington account. We divided it into three parts, and we structured it so that the mayor and the board of education and the council can set up three programs: One, to assist in the creation of charter schools; two, to add to the improvement of schools that already exist in Washington, the public school system; and, three, to have a choice program system. It is a creative and aggressive idea.

But if this bill does not go through, that program will fail. The mayor and the people who are committed to this, and, most importantly, the children who would benefit from this and their parents—and it is heartrending to meet these parents.

They have a lottery right now in this city where the private program—which is funded privately, which is the philanthropic program—every year draws out of a hat a group of names of kids who qualify to take part in the choice program. Literally thousands of parents, single moms in most instances, sit in that room and wait for their child's name to be drawn. When their child's name is not drawn, it is tragic, and the sense of loss is palpable. And when their child's name is drawn, the excitement that their child will have a shot at the American dream because they will get a decent education is electric.

So the mayor has set up this program, working with the president of the board of education and with members of his council, and they came to us and asked for this money.

Unfortunately, Members on the other side of the aisle have tried, in all sorts of ways, to defeat this program. It is ironic that they have because there are not a whole lot of Republicans serving in the municipal government in the District of Columbia. In fact, I do not think there are any. I don't know. I suspect there are not. I think only 12 percent of the people in the city are registered Republicans. The mayor is Democrat. I know the board of education is democratically controlled. The council is democratically controlled. The whole administration is democratically controlled.

It was, ironically, the leadership of the city, a Democratic leadership, that came to a Republican Congress and said: Give us this opportunity. We will take it. We will run with it. We will make these children's lives better and give their parents a chance to give their children something special.

Unfortunately, they were stonewalled, regrettably, by the other side of the aisle, but we were able to get around that and we were able to put in this bill the language which accomplishes this. If this bill fails, then that program fails, and it will mean that $40 million—which is a huge amount of money—which would flow into the educational efforts here in Washington to try to improve those educational efforts—not by putting more money after money that has not worked in the past but, rather, by putting more money in programs which have a potential of working, and which we know will work in specific instances, such as charter schools and choice—that money will not go forward. That money will be a benefit, and there will be real lives impacted in a very positive way.

So we have seen a lot of crocodile tears from the other side of the aisle about their concern on education, about their concern about children. Where the rubber hits the road is whether this bill passes or not. A lot of children's lives here in Washington will be affected. If it does not pass, they will once again be put in a system which has failed them and failed their peers. And, regrettably, it has failed generations before them. If the bill does pass, there will be an opportunity, created by a creative and aggressive mayor who is willing to take chances.

If this bill passes, there will be relief for many taxpayers in America who are paying the burden of the Federal Government's share of special education. There will be relief on their property tax bills.

If this bill passes, people who are going to college will be able to stay in college, and they will not have to leave college because they can no longer afford to pay for it.

If this bill passes, title I children, children from low-income homes, will have a better shot at not being left behind because the No Child Left Behind bill will be more aggressively funded.

So there are real lives affected by whether or not this bill passes. I hope Congress will see fit, and our colleagues on the other side of the aisle will see fit, to stop this filibuster and pass this bill so these students can get on with their education.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Florida is recognized.

Mr. GRAHAM of Florida. Mr. President, as fate would have it, the first vote this new session of Congress has before it, as our first measure, is an omnibus appropriations bill for fiscal year 2004.

This first-of-the-year appropriations bill is the product of negotiation among the leadership, primarily Republican leadership in this Chamber and their House counterparts, to meld together a series of appropriations bills

that had been unable to be passed prior to the time of our adjournment in 2003 and have now been presented to us as a single bill.

This single bill will provide for discretionary domestic spending of $328 billion—$328 billion. In fact, it contains over 7,000 earmarks, which means specific projects that have been added to this bill, almost exclusively projects that were never considered by the Senate.

Senator MCCAIN has given a speech, as has Senator BYRD, outlining adequate reasons to vote against this omnibus bill based on those facts alone. I would probably have voted against the bill based on those facts alone because I consider myself to be a fiscal hawk, and I consider that the kind of spending in this bill is illustrative of the undisciplined practices into which this Congress and this President have too often fallen.

But that is not the reason I am going to discuss today. It is the fact of what is not in this bill. What is not in this bill is a provision which was adopted on a bipartisan basis by the Senate and by the House of Representatives which would protect the overtime rights of our Nation's workers.

A brief background. In 2003, the Department of Labor developed a regulation which would modify the current overtime pay standards. The practical effect of this will be to make some 8 million American workers, who are now eligible for overtime, ineligible for overtime.

My colleague and good friend from Iowa, Senator HARKIN, who also has spoken eloquently on this matter today, offered an amendment to protect the overtime our Nation's workers earn from this new Bush administration policy.

Senator HARKIN's amendment passed the Senate by a vote of 54 to 45. That same measure was then endorsed by the House of Representatives when they instructed their conferees, who would be responsible for negotiating any differences between the House and the Senate bills, to accept the Harkin amendment by a bipartisan vote of 221 to 203.

In spite of that history, this provision, which would have rolled back the Department of Labor's denial of overtime to 8 million Americans, was removed from the bill, ostensibly at the insistence of the White House.

I have had a practice, now for almost 30 years, of taking different jobs. My next-to-the-last job was as a coal compactor. That consisted of driving a very big piece of equipment, made by Caterpillar in Peoria, IL, over a large field of West Virginia coal in order to keep it at the necessary compaction so that it would not be subject to self-ignition and fire. There were three other men who worked with me in that job. It took place at the Gainesville regional utility generating plant.

At the lunch break, we avoided talking politics. That is sort of my rule when I am on these workdays. I talk about hunting or fishing or football or whatever but not politics. These three men brought it up at lunch. They said: We heard somewhere that they are talking about messing with our overtime.

I said: Well, how much will this affect you?

They said: It will affect us a lot because we typically work maybe 50, 60 hours a week doing this job, and that overtime is what makes the difference between us sort of getting along and getting along with a little extra money to do the things our families need.

I cite that example to indicate this is not an inside-the-beltway issue. This is an issue which the American people understand and about which they are emotional.

Under the Bush administration's overtime plan, millions of salaried workers who make between $22,101 and $65,000 a year—just think how many millions of families fall within that range of $22,101 and $65,000 a year—could be reclassified under more lenient standards as executive, administrative, or professional employees and would no longer qualify for overtime.

I indicated earlier that the plan would affect approximately 8 million workers in 257 occupations. This is the estimate of the Economic Policy Institute, that that many workers in that many occupations would lose their right to overtime. In my State of Florida, the change is estimated to affect 441,000 workers. Those numbers dramatically understate the real impact of this legislation.

Let me give two illustrations of its extended impact. We are concerned about a jobless recovery. Yes, the stock market is up. Yes, we are showing a significant increase in our domestic economic output. But in the month of December, do you know how many jobs were created as a result of all that economic activity? One thousand. I have not made a mistake. I didn't misstate 100,000 or 150,000. One thousand new jobs were created in the month of December.

While there is no single reason that that is true, I believe one of the reasons is the math I am about to give you. Assume you are an employer. You have four employees. As part of this economic upturn, you have generated enough demand for your product that you really need to hire a fifth employee. So you have a choice: Hire a new person or you can ask the other workers to add 10 hours a week to cover the amount of additional demand that has been generated. Assuming these workers earned $20 an hour, that would mean that while they are in their overtime period, they would be earning $30 an hour. So each of the four people would earn 10 hours at an additional $10. So they would earn, as a result of overtime, $100 a week times the four workers which is $400 a week.

The employer could very well look at those numbers and say: Look, it is less expensive for me to pay these existing employees an additional amount to work overtime than it is to undergo the training cost and the insurance cost, particularly the health insurance cost, of bringing a new person on board.

I believe this extensive use of overtime is a significant factor in causing a jobless economic recovery. If it is a significant problem today, when the employer is having to pay an additional $10 an hour in overtime, think what it is going to be like when the employer doesn't have to pay the additional $10 an hour in overtime, where the amount of work that the four current employees do would be paid at the same rate as those four plus a fifth working at 40 hours a week?

No. 2 is another example. A plant has 100 employees, all of whom are currently eligible for overtime. Under these new rules, let's say that 20 of those 100 are reclassified as being ineligible for overtime. The plant has a certain number of hours of overtime which are going to be incurred. Today they are distributing that among the 100 overtime-eligible employees. I can tell you with a high level of confidence that if we allow this Department of Labor regulation to go into effect, whatever overtime is generated in that plant is going to be assigned to the 20 employees who no longer are eligible to get overtime pay.

At a time of a jobless economic recovery, to propose cutting overtime earnings, which will give an even greater incentive not to employ people, is to cause one to question the common sense of the people who are proposing this. This plan offers no incentive for economic stimulation. It is an incentive to further reduce employment by relying on now no longer overtime compensated additional hours of work by your current workforce.

This also offers no economic incentive to our general economy. We have debated this issue for much of the last 3 years: What is the most appropriate way to stimulate the economy? Last night the President didn't talk about changes in trade policy. He said we were going to stimulate the economy by making tax cuts permanent.

As Senator BYRD discussed with vigor and eloquence a few hours ago, 75 percent of these tax cuts go to 1 percent of the American taxpayers.

That is not a program of economic stimulation. Rather, it is a program to compensate the most affluent people in the country by cutting their taxes and letting the crumbs of the other 25 percent of the tax cuts fall down on the rest of us.

If we were serious about economic stimulation through the Tax Code, we would have a different tax cut policy. I have advocated, as an example, that we ought to have a program to make the first $10,000 of earnings free from the payroll tax. That would put approximately $780 in the pocket of every American, the largest share of which

would go to where the largest share of Americans are—into the middle class. I can tell you, from common sense, those people will actually spend the $780 because they have kids who need new clothes; they have a car that needs to be replaced; they have a new bedroom they may need to add to the house because they just had another child.

We didn't take that approach. We didn't focus our tax cuts on the Americans who are most likely to use the tax cut to stimulate the economy by increasing demand. Having committed that first error, we are now about to compound it by taking away overtime pay from the same group of Americans who, if they get the overtime, are most likely to spend it, create demand, and create new jobs in our economy. It is just confounding that, at a time when we are concerned about the future of this country and we are concerned about economic stimulation, when we have concerns about the fairness by which our people are viewing their Government's action, we would go an additional mile to cut away the eligibility for overtime pay for 8 million Americans.

This policy is not just bad economics; it is also bad security because many of the people who will be affected by this are people who are our first responders. They are police officers, firefighters, air and traffic controllers, nurses, and others involved in emergency medical care. All of these will potentially see their wages diminished as a result of this one provision in a bill which does not justify passage even on its own merits—a provision which has stripped out a proposal that passed by bipartisan majorities in both the Senate and the House, passed at the instance of the White House, wanting to assure that its policy of cutting back on average American workers' overtime is implemented. I would vote against cloture on this bill today; I will vote against cloture on this bill tomorrow; I will vote against cloture on this bill at any time we have the opportunity to do so. And should we, in a moment of lack of wisdom, grant cloture and this bill is passed, then I will join my colleagues in every effort to see that what the Congress of the United States wants to happen, what the people of the United States desperately want to happen—which is to retain their overtime pay benefits—will occur. Even though it is not what President George W. Bush wants, this will be a battle the American people will win.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, it had been my hope we would have eliminated the overtime pay provision, because I believe it is not a good idea, with the economy just beginning to recover—obviously fragile—to be denying many American working men and women overtime pay.

This issue came before my subcommittee, Labor, Health, Human Services and Education. By a vote of 54–46, the Harkin amendment was passed, which prohibited any funding to implement the new regulation on overtime pay. There is no doubt it would be useful to revise the regulation with the view to limiting and reducing litigation. We had an extensive hearing yesterday. The Secretary of Labor testified. We analyzed the current regulations, we analyzed the new regulations, and it was apparent the new regulations will not do anything to reduce the litigation. There are still the same ambiguities regarding the various categories of personnel, making it evident from the course of the very extensive hearing we had yesterday that the objective of reducing litigation will not be accomplished by the new regulations.

In approaching the cloture vote, we are not between a rock and a hard place. We have an impossible situation because, either way we go, we are going to have this regulation, unless there can be a negotiated change with the administration. After making that effort repeatedly for months, I do not think that is a realistic possibility. We are faced with this regulation whether we pass the Omnibus Appropriation bill or not. If we do not pass the Omnibus appropriation bill, then we will have a continuing resolution, and the continuing resolution will leave in effect the current funding for the Department of Labor, Health, Human Services and Education, and all of the other departments that are affected by the Omnibus bill. With a continuing resolution, there will not be any provision to prohibit the implementation of the regulation.

If the alternative is followed, the result will be the same. If you have the Omnibus appropriation bill in its present form, which does not have the prohibition against implementing this overtime regulation, then the regulation goes into effect. So either way you go, you have the regulation. So that we are not between a rock and a hard place; we are faced with this regulation on either alternative.

If we do not pass this Omnibus appropriation bill, there will be very many important projects that will not be funded. If you take the Department of Labor, Health, Human Services, and Education, and the subcommittee which I chair, there is an addition of $3.7 billion this year, with substantial additional funding for the National Institutes of Health, with substantial additional funding for education, and substantial additional funding for Head Start. We really do not have a choice.

Last November, when the omnibus was taken up, the chairman of the House Appropriations Committee, Chairman YOUNG, the chairman of the subcommittee, Chairman Regula, chairman of the Senate Appropriations Committee, Senator STEVENS, and I met and tried diligently to work out an accommodation to delay implementation of this regulation until the end of the fiscal year. We were not asking for very much. Now it is January 21, and the Secretary of Labor says the regulation will be ready for being promulgated on March 31. I doubt very much that will happen. Yesterday, in the course of the hearing, I asked the Secretary a detailed set of questions to see how many comments she had. Reportedly, it was some 80,000. After the regulation is promulgated by the Department of Labor, it has to go through the OMB, and that takes a long time. At March 31, we already will have half of the fiscal year gone. It will not be much of a concession by the administration to allow this regulation to not be put into effect until the end of this fiscal year and to take up the alternative legislation, which I have introduced, that would provide for a commission. But we face a situation where we have been unsuccessful in months of negotiations to try to effect a change on this issue.

This is part of the political process. It would have been my hope that the Secretary, who comes to our subcommittee with frequent requests that we have accommodated to the maximum extent possible, in the spirit of reciprocity would have accommodated us for a few short months. But in view of the fact that this regulation will take effect whether we pass the omnibus or not, the continuing resolution will leave the regulation in effect. The Omnibus appropriations bill will leave the regulation in effect.

It is obviously preferable to have the omnibus pass, where we have the additional funding, $3.7 billion, for the subcommittee for very important items. That is why I feel constrained, notwithstanding my very strong objections to this regulation on overtime pay.

I think it is not appropriate, not really fair to the American working men and women that a few extra months were not commissioned to try to bring some clarity. I agree with the proposition that we ought to take every step we can to clarify the regulations to eliminate litigation. But on this state of the record, the least undesirable alternative is to have cloture imposed and to try to pass this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, one of the worst provisions in this shameful bill is the provision that will take away the right of overtime pay to millions of loyal and hard-working Americans. That provision also shows the enormous gulf between what the Bush administration says and what it does.

Again and again, President Bush talks about providing economic security for all Americans, and then he

quietly tries to deny millions of workers their basic right to overtime.

If you have to work overtime, you deserve overtime pay. No employer should deny you that right, and no President and no Congress should take it away from you.

In his State of the Union speech last night, the President said his jobs and growth agenda would include ''relief from needless Federal regulation.'' Apparently, he believes protecting employees' overtime pay is a needless regulation.

Millions of employees across America disagree with that. This proposal makes clear that the Bush administration is working overtime for the corporations and against the workers of America. We are fighting a war in Iraq, and this President and this administration is also waging a war on workers here at home.

Thirteen million children are going hungry every day; 8 million Americans are unemployed with no jobs in sight; 7 million workers have been waiting since 1997 for the raise they deserve in the minimum wage; 90,000 workers a week are losing their unemployment benefits. They can't find jobs in the Bush economy, and the President took away their unemployment benefits, too. And more than 8 million workers will lose their overtime pay because President Bush says they don't deserve it.

Majorities in both the Senate and the House agreed that the Bush administration was wrong to deny overtime protections to workers, and by a vote in the Senate and a vote in the House of Representatives, we said to the President: You are wrong. But here it is. They took it out of this bill behind closed doors at the last minute, and now they expect Congress to accept that because the vote is on this larger bill.

We could change this bill in a minute and send it on to the President, and that is what we ought to do. We know for whom we are fighting on this issue, and we know why we are fighting—for their right to keep the overtime pay they deserve.

We are fighting for the nurse who burns the midnight oil day in and day out caring for the sick and the elderly. We are fighting for the firefighters, the law enforcement officers, the first responders—the heroes of homeland security—the men and women standing watch and working night and day to protect our safety. They are our generation of Paul Reveres prepared to act when danger comes. They deserve fair pay for all they do.

We are fighting for our veterans and for our men and women serving so bravely now in Iraq and across the world who return to civilian life only to find that the training they learned in the military will now be used to deny them their right to overtime pay.

I want to point out what this proposed regulation under professional employees is all about and what it states. I will include the whole provision but included in the provision—listen to this, Mr. President—is:

The word ''customary'' means that exemption is also available to the employees in such professions—these will be the people who are included in the rule and, therefore, ineligible for overtime—it says:

> The exemption is also available to employees in such professions who have substantially the same knowledge level as the degreed employees—

Those are generally the 4-year degree employees to whom they are referring.

> but who attained such knowledge through a combination of work experience, training in the Armed Forces—

Training in the Armed Forces. This is the first time they have included that you can be ineligible for overtime pay if you have been trained in the Armed Forces.

I say to my colleagues, what are the kinds of training they get in the Armed Forces? The Army, for example, offers new recruits a choice of over 200 occupations, each of which includes training and a listing of the civilian occupations for which training could help them find a job. This proposal would punish the veterans with loss of overtime protection precisely because they have received the exact same training that is used as a recruitment incentive.

The military trains service members for hundreds of occupations, including lab technicians and other health care occupations, information technology, engineers, drafters, designers, air traffic controllers, communications specialists, law enforcement, firefighters, security personnel, journalists, and the list goes on.

If you go into the Armed Forces, you serve in Iraq, you come back, you have received training programs. Under these regulations, you are ineligible for overtime.

That is unconscionable. Why did they put in the service members' training programs in the Armed Forces for the first time? This is put in for the first time in changes to the rules. This is the first time in the history of overtime, going back to the Fair Labor Standards Act, that they have included this training.

I am absolutely amazed, at a time when we are asking our service men and women to do so much and while they are in Iraq and elsewhere, we are passing a regulation in this omnibus bill that is going to say when they come back that if they have been trained in any of these areas, they will be considered, under these regulations, a professional and be ineligible for overtime, after they have been risking their lives for the American people. Does that make sense? Permit us to have an up-or-down vote on that, Mr. Republican Leadership? Permit the Senate to vote on that and see what the sentiment is? Oh, no. Just tuck it into the regulation, behind closed doors; put it in there with everything else and let it become law without giving Congress a say.

I do not know what that will mean in the future if that happens because we know that the incentives—one of the reasons that many young people go into the Armed Forces is because of the various training and educational benefits. Effectively, the Bush plan would do away with the standard requirement and allow equivalent training in the Armed Forces to substitute for the 4-year degree and therefore make these veterans ineligible. These training programs, as I say, have been a primary incentive for attracting people into the Armed Forces.

Do my colleagues understand that? It says here—I am reading right from it—training in the Armed Forces, and it goes on: Comma, or other intellectual instructions, training in the Armed Forces.

So that is what would happen to thousands of those men and women who are over in Iraq and Afghanistan, scattered around the world. They come on back. This proposal goes into effect. Their employer is going to look down and say, oh, Jim, by the way, you were in a training program before you went over to Iraq and you were trained, and it says in these rules here I do not have to pay you overtime because that is right in these rules.

So we are fighting for our veterans and fighting for our men and women serving bravely now in Iraq and across the world, who return to civilian life only to find that the training they earned in the military will now be used to deny them their right to overtime pay.

Most cynical of all, the Bush administration claims that its plan would actually entitle low-income workers to qualify for overtime. The Department of Labor has distributed guidelines to employers on the steps that they can take to avoid the need to pay that overtime. Just calculate the pay an employee now gets with overtime included and then cut the employee's basic pay enough to reduce the total to what it was before.

Is there anybody who doubts what is going on? This is basically a sop to companies and corporations around the country in order to squeeze employees even further. There are more than eight million out of work. Last quarter we found employment increased by only 1,000. They expected close to 300,000. It increased by only 1,000. There are so many workers who are eligible for unemployment insurance even though they have paid in for it, 90,000 at the end of this week which will be the end of all of their unemployment compensation. Did we hear anything about that last evening? I did not.

So is that cynical or what? How red-handed do we have to catch this administration before the American people understand what is being done to them? Always it is the Bush administration putting corporate profits over the well-being of American workers. The Department of Labor's mission is to promote the welfare of the job seekers, wage earners, and retirees of the

United States, and that is what it says on the Department's Web site. It does not say promote the bottom line for businesses.

The last thing American workers need in today's troubled economy is a pay cut like that. Staff Sergeant John Miller, who performs homeland security and other public safety duties in the District of Columbia National Guard, is concerned that he and many in his department will lose their overtime pay because of the Bush plan. He recently testified that eliminating overtime pay will have a devastating impact on his department's ability to perform vital public safety responsibilities. Without his overtime pay, he said his family could no longer afford their current mortgage or save for college for their two teenage children.

Thousands of veterans will lose their overtime pay as well. Under current law, workers can be denied overtime protection if they are in the category of the professional employees. In general, it is only workers with a 4-year degree in a professional field who will be classified as professional. The Bush plan will abolish this standard and allow equivalent training in the Armed Forces to be routinely substituted for a 4-year degree. How is that for a slap in the face to our courageous men and women fighting in Iraq?

Cutbacks in overtime pay are a nightmare that no worker should have to bear. Nationwide overtime pay makes up a quarter of a worker's total pay. The administration's policy will mean an average pay cut of $160 a week for every worker. That is an outrage.

Hard-working Americans deserve a pay raise, not a pay cut.

It is wrong for the administration to try to force the unfair pay cut on them. More than 2 million jobs have been lost since President Bush took office. Unemployment is a massive problem, especially in hard times such as these. Overtime pay is exactly the incentive needed for job creation, because it encourages employers to hire more workers, instead of requiring current employees to work longer hours. We need a job creation policy, but all the Bush administration proposes is a job destruction policy.

The overtime pay requirement and the Fair Labor Standards Act has been a fundamental right of American workers for more than half a century. That basic law was enacted in the 1930s to create the 40-hour week. It says workers have to be paid time and a half for extra hours. Since 1938, that has been the law.

According to the Congressional General Accounting Office, employees without overtime protection are twice as likely to work overtime as those covered by protection. Americans are working longer hours today than ever before, longer than any industrialized nation. I will show this in the following illustrations.

This chart shows that Americans work more hours than workers in any other industrialized nation in the world. The United States is right over here on this chart. We can also compare Denmark, France, Ireland, Netherlands, the UK, Italy, and Germany. This was in 2001. It is still relevant in terms of the current time. We can see workers in the United States work considerably more than any other country in the world. So they are No. 1 in the workplace.

The second chart shows that if one does not have overtime protection, this is what happens: Workers without the overtime protections are more than twice as likely to work longer hours, more than 40 hours a week without protection. Forty-four percent of workers who had no overtime protection worked more than 40 hours a week, compared to 19 percent of those with the overtime protection, well more than double. If it is more than 50 hours a week, those without overtime protection work three times longer than those who have the protection.

Who is affected by this? All one has to do is see under the recommendation of the Bush administration of the 8 million people, what are the classifications? It is very interesting. We are talking about police officers. We are talking about nurses. We are talking about firefighters. They are the backbone of the homeland security, the front line responders. The dangers we are facing from bioterrorism, who is out there first? The firefighters, policemen, and nurses. This proposal will effectively eliminate their overtime. We should not be eliminating it.

We ask them to take vaccines in a number of instances where we are unsure about what the outcomes are going to be. We do not even provide them with adequate compensation if they are going to get ill or sick as a result of it. We ask them to do all kinds of things.

Now their reward will be we will find that, under the proposal that is in this legislation, their overtime pay will be effectively eliminated.

The same department that is tasked to protect American workers and enhance the employer's workplace and enhance the opportunity for work in this country put out the proposal about how to avoid paying your employees overtime. That is courtesy of the Bush Department of Labor.

There it is. They just spell it out for us. The Department of Labor spells out how the employer can circumvent paying any kind of overtime if they are doing it even today, and gives every employer who wants to the way in which they can undermine it.

Congress cannot stay silent and roll over while more and more Americans lose their jobs, their livelihoods, their homes, their dignity, and their hope. We will be fighting other battles in this session, battles to restore jobs, guarantee fair unemployment benefits, raise the minimum wage. The place to start is here. Let's at least not allow the Bush administration to take the country backwards on this fundamental issue, the right to overtime pay when workers are forced to work overtime by their employers. Let's preserve the overtime protections on which so many millions of working families across the country depend today. Why should their standard of living have to go down so employers can make higher profits by squeezing workers harder?

I would like to address one other issue that is related to the workers of this country, and that is the issue of the unemployment compensation. The Federal extension of unemployment benefits expired December 31 and 90,000 workers a week have been running out of benefits. The economy lost 2.4 million jobs since President Bush took office and at the December rate of job growth it would take 200 years to return to prerecession jobs levels. American workers can't wait that long. Nearly 15 million Americans are out of work, including discouraged and underemployed workers, and the number of long-term unemployed remains unacceptably high at 2 million.

Historically, job loss during a recession is about 50 percent temporary and 50 percent permanent. Today, nearly 80 percent of the job loss is permanent. As a result, many of the unemployed will not return to work soon.

Today, there is only one job opening for every three out-of-work Americans. The Republican leadership continues to paint a rosy picture of the economy while ignoring these workers. House majority leader TOM DELAY has said he sees ''no reason'' to extend unemployment benefits and the Bush administration has been silent on the issue. Democratic Senators have asked for unanimous consent to take up and pass a Federal unemployment extension more than a dozen times. Each time the Republicans say no.

The program was enacted in March 2002 and extended in January 2003 and May 2003. It provided 13 weeks of unemployment benefits in most States, and 26 weeks in high unemployment States. Today, due to the criteria used to define high unemployment, only one state qualifies as a high unemployment State, Alaska, despite continuing unemployment in many other States.

The bill would reinstitute and extend the Federal Unemployment Insurance Program for 6 months, and ensure that high unemployment States continue to be covered.

I see my friend and colleague on the other side. I have just mentioned to the Senate we are now at the point where we are losing 90,000 workers a week, those who are losing coverage on unemployment. We still have some 15 million Americans out of work, including the discouraged and underemployed workers. And the number of long-term unemployed remains unacceptably high—nearly 2 million.

Historically, as I mentioned, the job loss during a recession is about 50 percent temporary and 50 percent permanent. Today it is 80 percent permanent.

These are real people with real needs—families, mortgages to pay, food to put on the table. If we are going to have an expanding economy, it should not be done at the expense of one sector of our economy. It should be a tide that raises all the boats. There is no question that Wall Street is doing well. There is no question that a number of our companies are having extraordinary profits.

But we have these two issues, one denying the 8 million Americans the overtime, including veterans. And now we have a proposal to permit the extension of the unemployment compensation for those who have paid into the program and who are in dire need.

I ask unanimous consent the Senate proceed to the immediate consideration of S. 2006, a bill to extend unemployment benefits for 6 months, which I introduced yesterday; that the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements appear in the RECORD as though read.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, I need to find out what the request is. Unfortunately, I tell my friend and colleague from Massachusetts, the Senate has been in for a day, but I have not read his bill. I understand he introduced it yesterday. He wants to pass it today. Senator KENNEDY is a very effective legislator, but I personally have not had a chance to read the bill.

Will the Senator tell me what the essence of his bill is? Is it a program to double unemployment compensation extension to 26 weeks? Or extend the present program to 13 weeks?

Mr. KENNEDY. I say to the Senator, it is essentially the same plan we passed before. The bill will reinstate the insurance program for 6 months, ensure that higher unemployment States continue to be covered—13 weeks; 13 weeks. It is the narrower program.

Mr. NICKLES. I appreciate the clarification.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, two or three comments. Senator KENNEDY is my friend. We debated this issue a couple of times.

In the past many months, I guess for the last year and a half, there has been an effort to turn a 13-week program into a 26-week program. I have objected to that very strongly and will continue to object to it very strongly.

As I understand Senator KENNEDY's explanation, this is an extension of the existing Federal unemployment compensation program which is scheduled to expire by the end of March of this year. But I would like to point out a couple of reasons why I object.

I will be happy to work with my friend and colleague from Massachusetts to maybe learn in greater detail of his proposal, but just a couple of editorial comments. No. 1, the unemployment rate is coming down. It is at 5.7 percent. In 1993, at the conclusion of a significant downturn and recession in the economy, the Democrats were in control of the Senate and they had a Temporary Federal Unemployment Compensation Extension Program. The unemployment rates at that time were between 6.6 and 7.7 percent. In other words, they discontinued the program when the unemployment rate was at 6.6. The unemployment rate today is 5.7.

I might mention the title of this program has been Temporary Federal Unemployment Compensation. It was temporary. I note today there are 26 States, over half of States have unemployment rates of less than 5 percent.

To have a national program for every State, which is very expensive, I am not sure is timely.

That is the reason we should have a chance to review this. Without having a chance to find out what the cost of it is, from what I have gathered and learned over the years, I object.

We have already spent, for the information of my colleagues, over the last 36 months I think something like $30 billion. It is not an inexpensive program.

I might note that in the 1990s Congress spent $28.5 billion. That was over 30 months when the unemployment rate was much higher—6.6 to 7.7 percent.

I might also, for the information of my colleagues, note that many States have not spent the $8 billion of Federal funding that we transferred in March of 2002 for unemployment compensation. We transferred $8 billion. According to the Labor Department, there is still $5 billion remaining unspent by the States.

Those are reasons I objected to my friend's unanimous consent request. I appreciate his bringing this to the forefront of the Senate. It may not be the last we have heard of this. But this is a temporary program. I think some people would like for it to be a permanent program. This Senator does not want it to be a permanent program.

For those reasons, I objected to the request. I will be happy to work with my colleague, the Senator from Massachusetts, to see if we can't do something positive to help create an environment which is more conducive to more jobs for more Americans this year. I think we can do that in a variety of ways, one of which would be making the Tax Code more fair for the working environment. I will work with all of our colleagues to see if we can't have a more productive job-creating environment, one part of which would be to pass an energy bill.

We passed a good energy bill. I am not saying that what we had last year, which I guess is still on the calendar, was a perfect energy bill. But I believe there are thousands and thousands of jobs that could be created if we passed a positive energy bill.

I hope our colleagues will look at that and other measures maybe that would help reduce health care costs and other things that would create a more productive environment for job creation in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to respond briefly, as this chart indicates, our economy has lost 2.4 million jobs since the President took office. The job creation has been anemic. The economy created only 1,000 jobs in December. At the December rate of job growth, it would take 200 years to return to the level of jobs we had when President Bush first took office.

The reality is that the estimate of the administration was that we were going to create 300,000 jobs as a result of the tax cut. It is down to 1,000. The reason we have seen the move from 5.9 to 5.7 percent in unemployment is basically that so many people have been disillusioned. They have given up. We put this program in, which I support, at a time when unemployment was 5.7 percent, the exact same percent that it is now. But it is objected to.

It is true the plans are costly, but we know that the fund itself which the workers have paid into has nearly $20 billion. This would cost about $7 billion. That represents funds the workers have paid in for just this kind of rainy day. But no, we are being objected to.

In the early 1990s, Congress extended the unemployment benefit five times. That program did not end until the economy had more jobs than before the recession began.

This is a fair enough test, it seems to me. But when you have 90,000 Americans who have worked—these are Americans who have worked hard, played by the rules, have families, mortgages, and paid into the fund. The fund is in surplus, and we have 90,000 who are losing their coverage. This is a temporary program. It is short term—6 months, about $7 billion, with nearly $20 billion in surplus.

Workers are entitled to this kind of protection. They are entitled to a minimum wage. They work 40 hours a week 52 weeks of the year so they don't have to live in poverty. Most Americans believe that. They understand, for example, when we have the chance to increase the minimum wage that we have been blocked for 7 years. For 7 years, Republicans have blocked it. They block increasing the minimum wage. They block extending unemployment compensation. They initiate rules to eliminate overtime.

This is the record. When we talk about the minimum wage, it is obviously a women's issue because most of the people who receive the minimum wage are women. It is a children's issue because great numbers of those women have children. It is a civil rights issue because many of those who work at minimum wage are men and women of color. And it is a fairness issue.

We can't get the chance to vote on these matters. There is objection. How long did we hear last fall about, we ought to be able to vote on Medicare? Let the people vote up and down. But no, no, we can't with regard to the unemployment compensation. We can't get a vote on increasing the minimum wage. They have refused to permit this institution to have a vote again on the overtime limitations for 8 million people because there is objection. I think that is wrong.

We look forward to another opportunity to come back and address these issues in a way where hopefully we will be able to get a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, it is a pleasure to see my friend from Massachusetts again. He is feeling good. He is energetic, as he always is. He is a very effective legislator and champions the cause with great enthusiasm. I appreciate that.

I will make a couple of editorial comments.

I love the chart. He said if we went at last month's pace of 1,000 jobs being created, it would take 200 years. That was 1,000 jobs last month. Over the last 5 months, 280,000 jobs were created, according to the Department of Labor. He forgot to mention that. But for December, I think he is correct as reported by the Department of Labor.

It is kind of interesting. He also said we have to have a vote on increasing the minimum wage but those Republicans haven't allowed us to do it. He said they haven't allowed us to do it for the last several years.

I remember a period with not necessarily the greatest fondest of memories. But for almost 2 years, the Democrats were in control. Senator DASCHLE was the majority leader, I believe from about June of 2000 or maybe 2001 until the end of 2002. He was the majority leader of the Senate. Senator KENNEDY was the chairman of the committee, and that could have been brought to the floor at any point during that time. The majority leader controlled the floor and the agenda of the Senate. It could have been offered as an amendment by any Member of the Senate, and it wasn't. I just make note of that fact.

It is interesting that it wasn't raised during that timeframe when this body was controlled by my friends on the Democratic side of the aisle. I want to just make note of that.

I don't doubt that we will have the pleasure of debating that issue. I look forward to that debate when that happens. I don't know that we want to make it against the law for anybody to work in the United States for less than $6 an hour. Some people say if they didn't make $6 an hour, they would be unemployed. I don't share that philosophy. But I guess we will have a chance to debate that. That is fine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, very briefly, we will have an opportunity to debate this further. We were denied an up-and-down vote on the minimum wage just last year when the Republican leadership pulled the State Department bill from the floor rather than let us vote on the minimum wage amendment.

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

However, the word ''customarily'' means that the exemption is also available to employees in such professions who have substantially the same knowledge level as the degreed employees, but who attained such knowledge through a combination of work experience, training in the armed forces, attending a technical school, attending a community college or other intellectual instruction.

Ms. MIKULSKI. Mr. President, I voted to continue debate on the Omnibus because I believe we need to explore alternatives. Let me be clear: I want this bill to pass. I am proud of the work we did on the VA–HUD subcommittee to help our veterans, protect our environment, rebuild our communities, but I believe we need to pause.

We need to take a break and problem solve. There should be an alternative between passing an Omnibus that contains terrible provisions and a one year continuing resolution that would underfund so many of our priorities.

There must be a way to compromise and go back to the original seven appropriations bills, negotiated on a bipartisan basis, before provisions were added in the dead of night, outside the usual and customary conference procedures.

The Omnibus includes critical funding for our Nation's veterans. Working on a bipartisan basis, Senator KIT BOND and I increased funding for VA health care by $1.5 billion over the President's request.

We said no to the administration's proposal to charge our veterans a $250 membership fee for their healthcare. We said no to higher deductibles and co-payments. With record numbers of veterans seeking medical care through VA, with soldiers returning from Iraq and Afghanistan, we have a duty and responsibility to care for them. Promises made must be promises kept. The Omnibus funding bill allows us to keep our promise.

The Omnibus also includes increased funding for AmeriCorps—$444 million—an increase of $170 million over last year the highest funding level ever.

With this funding, more volunteers will serve our communities teaching in our schools, tutoring and mentoring our children, rebuilding neighborhoods, restoring parks, all while earning money to help pay for college, and learning the habits of the heart that make a difference for America.

The Omnibus adds $500 million for the Clean Water revolving loan fund, and another $6 million to improve water and sewer infrastructure that directly helps clean up the Chesapeake Bay.

Let me tell my colleagues what this means in my State of Maryland. The Chesapeake Bay is part of our heritage. It also source of jobs from the watermen to the restaurant owner. Yet the President's budget cut funds for this critical infrastructure program. That's why I fought to provide $1.35 billion for water and sewer construction.

This funding means a cleaner Chesapeake Bay and new jobs right away—high paying construction jobs that will put people back to work clean our environment and prevent cost shifting to our local communities.

We have a chronic shortage of nurses in America. This bill contains a $30 million increase for the Nurse Reinvestment Act—legislation I wrote that provides scholarships to nursing students in exchange for 2-years of service in areas that need nurses most.

The Omnibus increases funding for special education by $1.2 billion. This is an important step toward the Federal Government fulfilling its obligations. When IDEA first became law, the federal government promised to pay 40 percent of the cost.

But Federal funding has never topped 17 percent that means local districts must make up the difference by skimping on special ed, by cutting from other education programs, or by raising taxes. I do not want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs.

We need to make up the difference and help relieve a crushing financial burden on local school districts.

I fought hard to improve this bill to meet the day to day needs of Marylanders and the long range needs of our Nation.

So why do I want to pause—before we pass it?

Because we can do better. I want time to discuss and explore alternatives to provisions that were added in the dead of night and that cause real problems.

I believe the best social program is a job. You should be paid if you work. You should be paid overtime if you work overtime.

Yet the Omnibus allows the administration to gut overtime protections for 8 million American workers. The Bush proposal means workers will have to work long hours for less money.

It hurts nurses, police officers, fire fighters who are already stretched to the limit. This provision hurts working families struggling to make ends meet.

The Senate voted to block this provision. The House supported our efforts.

But then, in the dead of night, the administration strong-armed conferees to strip our protections out of the bill.

The administration should not be able to overturn the will of Congress without debate and without a vote.

The administration did the same thing to federal employees—twisting arms and going outside the usual and

customary process to push an anti-worker agenda.

The White House has a plan to contract out as many federal jobs as possible. It is a political agenda, masquerading as management reform. The Administration's plan for privatization costs money, costs morale, and costs the integrity of the civil service.

They have changed the rules to favor their contractor cronies, and now they have violated the democratic process. They know they do not have support in Congress or from the American public for their privatization agenda.

So they are using bully boy tactics and back room politics to bypass Congress and overturn a bipartisan compromise.

Let me tell my colleagues, what happened. During an appropriations conference, the House and Senate agreed to a bipartisan compromise that fixed some of the problems with OMB's new unfair contracting out rules but still recognized the importance of competition.

The compromise did not fix every problem. And it did not stop contracting out. But I supported it because it was fair, and I thought it was a good start.

My Republican colleagues supported it. And the White House supported it as well.

Yet now, the White House has gone back on the deal. They slipped a provision into the Omnibus spending bill that guts the bipartisan compromise and leaves us with meaningless ''improvements''

This is disgraceful. The contracting out provisions in the Omnibus roll back workers' rights—the right to appeal a contracting out decision, the right to competitively bid on their own jobs. It even rolls back the requirement that contractors have to save money.

That is not what we agreed to in a bipartisan, bicameral compromise. We had an agreement that these three things were important. But OMB did not like it, because it would have given workers a fair shot.

Our country faces a new threat—the threat that mad cow disease will contaminate our food supply.

But, instead of taking this seriously, and doing everything possible to keep our food supply safe, the administration pushed to delay the country-of-origin labeling for meat products, overriding the will of the Senate.

Labeling of meat and meat products was supposed to go into effect this year, based on provisions in the 2002 Farm Bill. With this labeling, consumers could make an informed decision about what they purchased and what to feed their families.

Even with the first case of mad cow in the United States, administration will not back down from protecting its special interests friends. They made sure the Omnibus kept language delaying implementation of labeling for 2 years.

The Omnibus also rolls back existing gun laws and ties the hands of law enforcement. The Brady law requires that gun records be held for 90 days, yet this bill allows Government to destroy records after only 24 hours.

These records are kept for a reason—to help law enforcement track down weapons used in a crime, and to keep law breakers from buying guns.

The rollback provision also blocks the public from seeing critical information, even if they were the victim of a gun crime. If these rollbacks were in place last year, families of the DC sniper victims would not be allowed to know where the sniper got his gun and the questionable practices of the gun shop. Without this information, they would effectively be denied their day in court.

These provisions were not raised in the Senate. They should not be forced through in an omnibus.

I voted against cloture so the Senate has more time to discuss these important issues and explore the alternatives.

The American people deserve our best effort, not an omnibus rushed through in a single day.

There are serious problems with this bill—problems largely created by an administration that runs rough-shod over the democratic process and the will of Congress.

I am volcanic about how the final version of this bill was written.

As a member of the Appropriation Committee, I know first-hand the hard work and honest effort at bipartsanship went into the 7 appropriations bills.

All that went out the window once the administration forced itself into the room.

The underlying bill is a good bill that does a lot of good things.

We need to find a way to get back to those things and move forward for the good of America.

Mr. NELSON of Nebraska. Mr. President, more than 70 years ago, Nebraska Senator George Norris left Congress, returned to Nebraska, and led the effort to establish a unicameral legislature. He did this in large part because of his frustration with conference committees. These committees are supposed to reconcile differences between House and Senate bills, but all too often the bills that come out of these committees with new, controversial provisions.

Based on what I have witnessed, I have a renewed understanding of Norris's frustration with the conference committee process.

As we all know, it is in the conference committee that the final draft of legislation is often completed. Once the conference report is finished, a member may only vote to accept or reject; no amendments are allowed.

For this reason, the conference committee is an attractive opportunity to include legislative proposals that would not pass muster if they were considered openly on the floors of the House and Senate.

As Senator Norris wrote:

> Members of conference committees are often compelled to surrender on important items where no surrender would be even demanded if consideration of the legislation were in the open . . . The individual legislator must then vote upon a conference report without any opportunity of expressing by his vote his opposition to anything that the bill in this form contains.

This is as true today as it was so many decades ago.

Too often, a conference report comes back to us with initiatives never discussed in this body, or worse, with provisions that were rejected outright months, weeks, or even days before. In a conference report, popular or necessary programs can be tied to unpopular or impractical ones, subverting the process by which we should consider legislation.

The legislative process is frustrated further when the legislation in question is labeled a ''must-pass'' appropriations bill. With programs awaiting resources sometimes months after the end of the fiscal year, there is an understandable desire not to drag out the process once the omnibus bill is finally completed. When a ''must pass'' appropriations bill leaves conference, the normal conference habit of including more controversial measures increases exponentially—as does the pressure to pass the bill without delay.

This is not how Congress should do business. Measures should be considered openly and honestly. They should not be tucked in during closed door meetings of committee conferees.

This year's Omnibus bill contains several controversial proposals, and while this is by no means the first time this has occurred, it is past time for it to end.

Included among those is a provision that would delay funding of COOL for 2 years. This could effectively end the program before it has begun. This program is believed to be an important element in our efforts to re-establish consumer confidence in foreign markets. Nebraska's beef exports to Asian markets amounted to more than $460 million in revenue for our State in 2003. Without these and other markets, Nebraska could lose up to 21,000 jobs according to a Creighton University expert, severely hurting our efforts to turn the corner on the recent economic downturn. This may be the most important economic issue facing rural Nebraska. We need to act promptly in considering the impact of defunding COOL.

For this reason, I will vote to continue debate on the Omnibus bill. I do so in the hopes that this package can be re-examined and that the policy initiatives in it will be discussed as legislation, not appropriations.

This bill contains many promising Nebraska projects, some of which I worked with my colleagues and other Nebraskans to include. These projects and other spending initiatives are important to our State and to me. But I do not think that their importance

should allow them to be held hostage by a process that promotes the backroom inclusion of new, controversial, onerous and unpopular initiatives. It is my hope that with full debate on the bill, these last minute policy initiatives will be considered and openly discussed.

It is past time for Congress to end the process of using conference reports and appropriations bills to enact unpopular or controversial policies. Continuing debate on the controversial provisions of this bill is the first step in doing so.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2673

Mr. MCCONNELL. Madam President, I ask unanimous consent that at 6 p.m. this evening, the pending conference report be temporarily set aside; I further ask consent that the Senate then resume consideration of the conference report at 9:30 tomorrow morning, and further that there be 5½ hours equally divided for debate only; finally, I ask consent that following the use or yielding back of that debate time, the motion to proceed and the motion to reconsider the failed cloture vote be agreed to; further, the Senate then proceed to a vote on invoking cloture on the pending conference report with no intervening action or debate; finally, I ask unanimous consent that if cloture is invoked, the Senate then immediately proceed to a vote on the adoption of the conference report to accompany H.R. 2673, with no further intervening action or debate.

Mr. REID. No objection.

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

MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PREVENT ALL CIGARETTE TRAFFICKING (PACT) ACT OF 2003

Mr. HATCH. Madam President, I am pleased to inform my colleagues that we have reached an agreement on final language for S. 1177, the Prevent All Cigarette Trafficking, PACT Act of 2003, which my friend Senator KOHL and I introduced on June 3, 2003. The manager's amendment makes the PACT Act even stronger than as introduced.

The distinguished Senator from Wisconsin and I originally introduced the PACT Act because of our concern that contraband cigarette trafficking both damages the economies of several States and contributes heavily to the profits of organized crime syndicates, including global terrorist organizations. When we reported this bill from the Judiciary Committee on July 31, 2003, I pledged to work with my colleagues on both sides of the aisle to address any and all concerns they had with the legislation. The result of this bipartisan effort is a piece of legislation that will prevent cigarette and smokeless tobacco smuggling and ensure the collection of tobacco excise taxes without infringing upon the rights of Native Americans or consumers.

Internet sales of cigarettes and smokeless tobacco are an impediment States face in their collection of tobacco excise taxes. A recent General Accounting Office report indicates Internet tobacco sellers rarely comply with requirements under the Jenkins Act of 1949 (15 U.S.C. §§375–378 (2003)). The Jenkins Act, as modified by this legislation, is a Federal statute that requires tobacco retailers to register with the tax authority for each State in which they sell cigarette and smokeless tobacco products and to file monthly reports providing shipment information within each state. Failing to comply with the Jenkins Act damages not only individual States, but also retailers that are put in unfair commercial disadvantage.

By ensuring the collection of state excise taxes from all tobacco retailers, the PACT Act will neither inconvenience nor hinder smokers and smokeless tobacco users in their ability as consumers to purchase the tobacco products of their choice over the Internet. This legislation merely removes any uncertainty regarding the scope of the Jenkins Act by explicitly mandating Internet tobacco retailers also comply with existing requirements under the Jenkins Act. This strong vehicle with which to collect taxes from Internet tobacco retailers will allow States to finally claim their rightful revenue and level the playing field for all tobacco retailers.

The PACT Act as modified by the manager's amendment also clarifies that the bill will not affect existing tribal compacts relating to tobacco tax collection on tribal lands and allows Native American Tribes to maintain enforcement authority over their own excise tax laws.

As I mentioned in June, law enforcement authorities have uncovered several instances in which organized crime syndicates are illegally funding terrorist organizations, such as Lebanon-based Hezbollah, through the smuggling of cigarettes. These groups purchase cigarettes in States with low taxes and then transport them into states with higher taxes where the contraband is sold to small retailers at below market costs. The September 19, 2003, edition of the Detroit Free Press reports that one such scheme involved a 12-member syndicate, which purchased cigarettes in North Carolina and resold them in Michigan. Because North Carolina collects a 50-cent-per-carton tax and Michigan collects a $12.50 per carton tax, federal prosecutors estimated that one member of the scheme, Hassan Moussa Makki, who monthly smuggled $36,000 to $72,000 worth of cigarettes into the State during a 2-year-period, prevented Michigan from collecting $2 million in tax revenue. Law enforcement authorities determined Makki donated a substantial portion of these profits to Hezbollah. By providing state attorneys general with the necessary enforcement tools and the Bureau of Alcohol, Tobacco, Firearms and Explosives with investigative and inspection authority, the PACT Act will ultimately disrupt this form of terrorist funding and ensure that state, local and tribal governments collect their rightful excise taxes from both cigarette and smokeless tobacco sales.

With respect to delivery sales of smokeless tobacco, this provision is intended to impose strict federal limitations on delivery sales in order to supplement, and not preempt, applicable State or local law. Accordingly, it is intended that State-specific requirements in connection with the collection and remittance of applicable smokeless tobacco excise taxes will remain controlling, notwithstanding that advance payment of excise taxes might otherwise be required by Federal law in the absence of contrary State law. Moreover, the Federal proscription of delivery sales of smokeless tobacco with respect to which excise taxes have not been paid in advance of the delivery is not intended to apply where the laws or administrative practices of the State and locality in which the delivery is made provide that the delivery seller may remit applicable smokeless tobacco excise taxes in an alternate manner.

For example, the law of the delivery State and locality may explicitly or implicitly provide for the payment of smokeless tobacco excise taxes along with the filing of a tax return in the month subsequent to the delivery sale. Under such circumstances, even though applicable State or local law may not require the applicable smokeless tobacco excise taxes be remitted after the delivery, where the law of the delivery State and locality allows for such taxes to be remitted after the delivery, the intent of this provision is that the delivery sale may be made without violating federal law provided that applicable State and local law with respect to the collection and/or

remittance of applicable smokeless tobacco excise taxes are satisfied.

I call upon my colleagues to support Senator KOHL's and my efforts to prevent the funding of global terrorist organizations and ensure the collection of all excise taxes from the sale of cigarettes and smokeless tobacco, including Internet sales, so States can utilize their rightful revenue.

THE MAMMOGRAPHY QUALITY STANDARDS ACT

Mr. KENNEDY. Madam President, I strongly support this important legislation. Women screened for breast cancer deserve mammograms of the highest possible quality. I commend Senator MIKULSKI and Senator ENSIGN for this bipartisan proposal to strengthen current standards and do more to reduce the tragic toll of breast cancer.

Breast cancer is the second leading cause of cancer death among women, exceeded only by lung cancer. It strikes more than 200,000 Americans a year. Over 39,000 will die from breast cancer this year.

Early screening is essential. More than 90 percent of breast cancers are now detected at an early stage of the disease, when treatment can be most effective. Because of early detection through regular mammograms, the death rate from breast cancer fell by 20 percent between 1990 and 2000, even though the overall incidence increased slightly.

All women deserve access to mammograms of the highest quality. It's a tragedy when tumors are missed and lives lost because a screening was conducted poorly or interpreted inadequately. The legislation that Senator MIKULSKI and Senator ENSIGN have proposed will improve the quality of mammograms and help reduce the unacceptable toll of breast cancer and I urge my colleagues to approve it. It is fitting that this important bill is one of the first actions taken by the Senate in this new session. It deserves to become law as soon as possible.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In May 2002, two young male assailants targeted a Washington, D.C. resident after he left a local gay bar. The victim suffered severe face wounds, including a broken nose. Later that night, and in the week that followed, several more gay men were attacked by an unidentified group of young men.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

MEDICARE PRESCRIPTION DRUG PRICE REDUCTION ACT

Mrs. FEINSTEIN. Madam President, I rise today to cosponsor S. 1999, the Medicare Prescription Drug Price Reduction Act, which strikes language known as the ''noninterference clause'' included in the recently passed conference report accompanying the Medicare Prescription Drug and Modernization Act of 2003.

I believe that language preventing the Secretary from leveraging the enormous purchasing power of the Federal Government will mean our seniors may pay more for their drugs than they could be if that language was modified to allow the Secretary negotiating ability. America's seniors already pay the highest drug prices in the world, even though American taxpayers subsidize the research that produces many of those drugs.

So this legislation gives the Secretary of the Department of Health and Human Services, HHS, authority to negotiate contracts with manufacturers of covered Medicare Part D prescription drugs in order to ensure that enrollees in Medicare prescription drug plans, PDPs, pay the lowest possible price. The authority given to the HHS Secretary is similar to that given to other Federal entities that purchase prescription drugs in bulk.

I voted for the Medicare prescription drug conference report because it delivered voluntary prescription drug coverage to this Nation's 41 million Medicare beneficiaries. Too many Americans today face the terrible choice of paying for rent or groceries or paying for their prescription drugs. In fact, some of my constituents have resorted to skipping doses in an attempt to manage prescription drug prices.

One of the strongest features of the Medicare bill is the assistance it provides for low-income Medicare recipients through the elimination or reduction of premiums, deductibles and copays. For those low-income Medicare recipients whose prescription drug spending exceeds the catastrophic limit, or $5,100 in total drug spending, Medicare will pay all of their drug costs. For seniors who do not qualify for the low-income assistance, they will pay no more than 5 percent of their prescription drug costs above the catastrophic limit.

The Medicare prescription drug bill includes essential increases in funding for California's health care providers. California's hospitals are facing financial crises across the State. In fact, over the past 7 years, more than 62 hospitals have been forced to close.

The bill will help hospitals meet the needs of California's communities by providing $882 million in additional Medicare and Medicaid payments over the next 10 years. Physicians will now receive an increase of 1.5 percent per year in Medicare payments in 2004 and 2005, rather than the 4.5 percent payment cut they were expected to incur.

However, one of the most troubling aspects of the bill was language intended to promote competition among prescription drug plans in order to lower prescription drug prices. Section 1860D–11(i) says:

> The Secretary may not interfere with the negotiations between drug manufacturers and pharmacies and Prescription Drug sponsors.

I believe that this language actually takes away one of the best tools the Medicare program could use to bring down prescription drug prices by denying the Government the ability to negotiate price discounts on behalf of Medicare recipients.

The Veterans' Affairs, VA, system negotiates prescription drug prices. This negotiating authority has been a terrific success in bringing down the cost of drugs purchased by the VA. Why would we prevent the Secretary of HHS from doing the same on behalf of our 41 million Medicare recipients?

Some argue that this noninterference language will spur competing prescription drug plans to drive down the cost of prescription drugs in an effort to secure contracts with the Federal Government. However, since the Secretary may not require a particular formulary or institute a price structure for covered Part D drugs, seniors may be unprotected from escalating drug costs in regions without plan competition.

Here is the most recent picture of health care spending in the United States: Health care spending in the United States increased 9.3 percent to $1.55 trillion in 2002, the largest increase in 11 years. It now accounts for 15 percent of the Nation's gross domestic product. Prescription drug spending rose 15.3 percent to $162.4 billion in 2002, accounting for 16 percent of the overall health care spending increase.

Spending on prescription drugs is often cited as a key contributor to rising health care costs. Unfortunately, the Medicare bill missed a significant opportunity to reign in the escalating cost of prescription drugs in the U.S.

I believe the Medicare Prescription Drug Price Reduction Act will bring real prescription drug cost relief to seniors in California and across the country.

I urge my colleagues to join me in supporting this important legislation.

THE UNINSURED

Mr. SMITH. Madam President, I rise today on behalf of the almost 44 million Americans who have no health insurance. This number has continued to grow—last year alone, the number of people who lost their insurance grew more than any other year in the past decade. The number of uninsured Americans now exceeds the cumulative

population of 24 states and the District of Columbia.

I know we can reverse this trend because we have done it in the past. During my first year in the U.S. Senate, I helped create the State Children's Health Insurance Program (SCHIP). Today, all 50 States have SCHIP programs covering millions of needy children who do not qualify for Medicaid.

Last night in his State of the Union address, President Bush highlighted the need to make insurance more affordable for working Americans. I couldn't agree more. He also asked Congress to give lower-income Americans a refundable tax credit to allow millions to buy basic health coverage.

Last year, the President's ten-year refundable tax credit proposal to cover the uninsured would have helped up to 14 million people with increased access to care: 6 million previously uninsured Americans could gain health care insuranced and 8 million could improve their coverage.

This would be a great start. But we must act, and we must act now, before health insurance coverage erodes even further. Last year, Congress set aside $50 billion to cover the uninsured—less than in previous years—and once again, Congress failed to act.

Helping provide health care for working families and children is not a partisan issue.

Having access to health insurance is the best predictor of access to health care. Without access to preventive care, millions of people suffer needlessly every year, and often require more expensive, less effective emergency care.

But suffering is only part of the equation. Eighteeen thousand Americans die every year for lack of access to health care. That translates to two people dying every hour because they were uninsured.

I ask my colleagues to come together to help solve this problem that has affected so many of our friends and neighbors. I ask my colleagues to make it a priority to preserve and expand access to health care coverage in the United States, and I ask that we do it before the end of this Congress.

It is the right thing to do, and the right time to do it. Thank you, Mr. President, I yield the floor.

BIOMETRICS—THE TECHNOLOGICAL ADVANCEMENT IN ANIMAL IDENTIFICATION

Mr. ALLARD. Madam President, it has been brought to my attention that the Department of Agriculture has put for comment their rules and regulations on animal identification, in particular beef. It is not unusual that by the time Federal agencies in today's environment get around to issuing their rules and regulations, or by the time Congress passes legislation, our technology has moved so quickly that those provisions become outdated. I am concerned this could be happening with the Department of Agriculture promulgating rules on the radio frequency identification, RFID, tag in United States animal identification. It has an internal code structure that identifies a specific bovine, but if something happens to the tag, there is no way of re-establishing the animal's identification. That is, there is no way of re-establishing the animal's identification unless another form of permanent identification is obtained. That is why it is so important to discuss the use of biometrics in animal verification, and more specifically, to fully explore the use of retinal scanning for identification purposes.

It is my understanding that the rules and regulations may exclude the use of retinal scanning because the rules that the USDA is considering do not address or allow the use of a ''secure permanent identifier,'' or at the least, they could be interpreted to discourage its use. I have personally viewed such retinal scanning technology and believe that it can be a practical way to identify individual animals, or lots of animals, and that this technology should not be put at a disadvantage because of a policy position by the Department of Agriculture.

With the December 23 discovery of a cow infected with bovine spongiform encephalopathy, BSE, the United States faced a real-life test of our animal identification and tracking system. Identification of livestock is very advanced in the United States, but even with our system, it took days to track that BSE-infected cow to Canada.

As part of our efforts to confront, control and eliminate the risk of BSE and to address future animal health emergencies, we should consider putting into place systems that can easily and rapidly identify an animal and tell us where it has been. It must be able to tell us what animals it has been in contact with and where those contacts are now. The system should do this rapidly, securely and without error.

I commend the efforts of the USDA and industry who have been working together for some time to design a national animal identification plan. During the intervening period, new technologies have continued to emerge. As the USDA looks at implementing a national animal identification plan, it is important that we utilize the best of today's technologies. For instance, a primary objective of this plan, as proposed, is to trace any animal within 48 hours. With the technology available to us in this country, we can be looking at systems that can locate animals in minutes—not hours—with great accuracy.

To assure the American public and our export customers that we have not lost track of any animals, the U.S. animal identification plan should allow use of a secure, tamper-resistant image of the animal's retinal vascular pattern that is more unique than a human fingerprint. Retinal scanning identifies the animal, not the identifier. The majority of the other animal identification systems work on the basis of adding an identifier to the animal, such as a visual or electronic marker or tag and then recording that identifier. Identifiers like this can be lost or changed and are not secure. Some estimates put livestock tag loss in the range of 5 to 8 percent—an unacceptable scenario when considering the ramifications that this could mean to the beef industry.

I hope that the national animal identification plan does not preclude the use of new technologies introduced since the plan's inception, especially when these technologies exceed the proposed plan's performance objectives. Several U.S. companies are not waiting for the USDA, but are rapidly installing retinal imaging technology in their own plans to significantly improve their ability to track livestock. These companies should not be forced to also adopt a poorer performing technology because the plan mandates a certain, specific technology.

It is critical that the plan's systems be audited for performance and reliability to verify that they are actually working. We must be able to measure and document how many animals are misidentified or lost. Since retinal scanning technology uses secure, tamper-resistant, retinal patterns, it is currently the only available method against which to verify the performance of any tag-based system.

We should be using the most current technology available—the Global Positioning System, GPS. By linking the Global Positioning System to a secure identifier such as a retinal scan, the time, date, and location of the animal can be captured when the eye is scanned, proving beyond a doubt that ''this animal was at this place at this time.'' Furthermore, the use of GPS coordinates provides USDA with the means to audit and verify the accuracy of any identification numbering system.

The United States has the most competitive livestock sector in the world. But we are at risk of falling behind countries in Europe, South America, as well as Australia and New Zealand, nations that are all exploring more modern technologies for identifying and tracking livestock. Not only can the U.S. take a leadership role in this area, we can take identification and traceability ''off the table'' as a possible trade barrier by introducing technologies that leapfrog existing country requirements.

I would like to close by reminding my colleagues that it is only when you combine identity with location that you get traceability. And in order to build a secure, tamper-resistant system to trace livestock, you must begin with a secure, tamper-resistant identifier. I believe we have the technology to do this in a practical, economically feasible way that will allow United States producers to meet the concerns expressed by our trading partners when

managing diseases like mad cow disease. I believe retinal scanning combined with the GPS system can be the most practical option if the policy of this country is to require an identification system of each animal or even for tracing batches of live animals because it is technology that can be easily used in the field and is very accurate, reliable, and precise.

RECOGNIZING MISHAWAKA POLICE OFFICERS

Mr. LUGAR. Madam President, I rise to share with the Senate the efforts of Corporal Thomas Roberts and Patrolman Bryan Verkler, of the Mishawaka Police Department, Mishawaka, IN, who gave their lives in the line of duty on December 13, 2003.

Corporal Roberts was a 14-year veteran of the force. Patrolman Verkler had completed nearly 2½ years of service. Both men are survived by their families.

At this difficult time, my thoughts and prayers are with these men and their families.

RECOGNITION OF MICHAEL MANGANIELLO'S SERVICE TO COALITION FOR THE ADVANCEMENT OF MEDICAL RESEARCH

Mr. KENNEDY. Madam President, I welcome this opportunity to pay tribute to the impressive work of Michael Manganiello of the Coalition for the Advancement of Medical Research, who is working skillfully on behalf of patients across America to turn the promise of medical research into the reality of new cures and better treatments. As the president of the Coalition for the Advancement of Medical Research for the past 2 years and Vice President of the Christopher Reeve Paralysis Foundation, he has provided extraordinary leadership to community advocates for medical research. As the leader of an effective coalition to prevent restrictions on stem cell research, he is working to enable future generations to benefit from scientific advances that can barely be imagined.

Mr. Manganiello is effectively teaching both Congress and the public about the complex topic and the immense potential of stem cell research. His outreach to local communities has raised awareness for these issues to those it will help the most, millions of men, women and children in families across the country who bear the burden of debilitating diseases. He works diligently with the scientific and policy communities to realize the full benefits of current research and expand our ability to pursue promising new lines of research. His skill in working toward consensus has benefited us all.

Through his many contributions to the advancement of medical research, Michael Manganiello has made a daily difference in our nation's well-being that will become more and more obvious in the years to come. I commend him for his outstanding public service to our country.

SMALL STATE HOME PROGRAM EQUITY ACT

Mr. DORGAN. Madam President, I rise to support legislation that Senator MURKOWSKI introduced last November that would bring some fairness to States such as North Dakota and Alaska with low populations. I am proud to cosponsor S. 1851, the Small State HOME Program Equity Act.

This legislation would increase the minimum funding level provided to low-population States for the U.S. Department of Housing and Urban Development's HOME Investment Partnerships Program. The HOME Investment Partnership Program distributes funds to State and local governments to expand housing for low-income families. It is one of the most important tools that States, local governments, and nonprofits have to respond to affordable housing needs. The program helps both renters and homebuyers across the country by rehabilitating substandard housing and funding new construction.

The HOME Investment Partnership Program has been enormously successful in providing housing for those in need, and I have been a strong supporter of annual appropriations for this important program. For the last several years, I have joined many of my colleagues in sending a letter to Senators BOND and MIKULSKI, the chairman and ranking member of the VA–HUD and Independent Agencies Appropriations Subcommittee, supporting robust funding for the HOME program.

Since 1992, the first year in which funds were appropriated for this program, HOME funds have been dispersed by a statutory formula, which is based in part on a State's population. At the time the program was created, a minimum funding level of $3 million was established for States which would receive a small amount of HOME funds under the allocation formula.

Over the last 10 years, inflation has significantly eroded the value of this minimum allocation and it is very difficult for States to meet their housing needs on only the minimum allocation of HOME funds. In Grand Forks County in North Dakota, for example, the wait list for HOME rehabilitation funding is estimated to be 11 years. I would imagine that the situation is similar in the 10 States that are not currently receiving a level of funding that allows them to run effective programs with their HOME dollars.

This is unacceptable. States with low populations deserve to have adequate funding to meet the unique housing needs of rural areas where construction and rehabilitation costs are often very high. The congressionally appointed, bipartisan Millennium Housing Commission also recognized this problem. It recommended increasing the minimum State funding level for the HOME program to $5 million in their May 30, 2002, report to Congress.

I look forward to working with Senator MURKOWSKI on this important legislation to meet the housing needs of low-income families in rural America.

ADDITIONAL STATEMENTS

TRIBUTE TO MARSHA GOODWIN-BECK

• Mr. GRAHAM of Florida. Madam President, I am saddened to report that on December 18, 2003, our Nation lost one of its leading advocates for the care of older veterans, Marsha Goodwin-Beck. The Director of Geriatrics for the Veterans Health Administration from 1989 until her death, she dedicated her career to serving veterans in many capacities.

Ms. Goodwin-Beck was instrumental in the growth and development of VA's nationally prominent Geriatric Research, Education and Clinical Centers, as well as its multidisciplinary geriatric training programs. She also had a key role in coordinating the implementation of the Veterans Millennium Health Act of 1999, a bill that made an impact on a countless number of our Nation's veterans. Ms. Goodwin-Beck began her career at VA in 1983 as an education specialist, later moving into various positions with the Office of Geriatrics and Extended Care. In 2003, VA recognized her long-time service on behalf of older veterans by awarding her the VA Undersecretary for Health Commendation.

As a testament to her expertise, Ms. Goodwin-Beck authored several articles on geriatric and long-term care issues. She also was active in local and national nursing organizations, including as a founding member of the National Alliance for Caregiving, and she served on the Education Committee of the Gerontological Society of America. Shortly before her death, Ms. Goodwin-Beck was elected to the national board of directors of the American Geriatrics Society.

Prior to her Government service, Ms. Goodwin-Beck had a distinguished career in clinical care as a certified adult nurse practitioner and nurse educator. Between 1981 and 1982, she was awarded a Robert Wood Johnson Foundation fellowship as a primary care nurse practitioner at the University of Maryland. Ms. Goodwin-Beck was also an assistant professor at Catholic University's School of Nursing and was on faculty for the university's Teaching Nursing Home project. In addition, she was a consultant to the American Health Care Association, coauthored the book ''How to Be a Nursing Aide in a Nursing Home,'' and conducted workshops on quality assurance for staff in nursing homes throughout the country.

On behalf of the members and staff of the Senate Committee on Veterans Affairs, our hearts and thoughts are with Ms. Goodwin-Beck's husband, Jeffrey

Beck, and her entire family. VA has lost one of its most dedicated and caring members, but I know that Ms. Goodwin-Beck's contributions to veterans' care will continue to be felt for years to come.●

IN MEMORY OF CHARLES T. BIGGS

● Mr. LUGAR. Madam President, I rise today to commemorate a constituent of mine, Charles T. Biggs, from Hope, IN, who passed away on December 2, 2003.

Mr. Biggs, known as ''Charlie'' to his numerous friends and colleagues, was an invaluable asset to the State of Indiana, and will be sorely missed in each community he worked so diligently to improve. Charlie taught at Hauser High School for many years as a music instructor, and a band and choir director. He also owned and published a local newspaper, the Hope Star-Journal. In addition, he was a member of the Hoosier State Press Association and a past president of the Indiana Democratic Editorial Association.

Charlie selflessly offered his remaining time to numerous organizations. He served on the Hope Volunteer Fire Department as an EMT, was a board member of the Heritage of Hope Foundation, was a member of the St. Bartholomew Catholic Church, and even served for over 30 years as the organist for the Hope United Methodist Church.

He is survived by his wife, Carol, four children, and seven granddaughters. My thoughts and prayers are with his family, friends, and colleagues during this difficult time.●

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, a withdrawal and a treaty which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2006. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

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. HAGEL (for himself and Mr. DASCHLE):

S. 2010. A bill to strengthen national security and United States borders, reunify families, provide willing workers, and establish earned adjustment under the immigration laws of the United States; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 2011. A bill to convert certain temporary Federal district judgeships to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 2012. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. KOHL):

S. 2013. A bill to amend section 119 of title 17, United States Code, to extend satellite home viewer provisions; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mrs. CLINTON, Mr. JEFFORDS, and Mr. FEINGOLD):

S. 2014. A bill to amend the Federal Power Act to establish reliability standards; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. FEINGOLD, and Mr. JEFFORDS):

S. 2015. A bill to prohibit energy market manipulation; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Res. 285. A resolution recognizing 2004 as the ''50th Anniversary of Rock 'n' Roll''; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 286. A resolution to authorize legal representation in United States of America v. Parvis Karim-Panahi; considered and agreed to.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Res. 287. A resolution commending the Southern University and A&M College of Baton Rouge Jaguars for being the Sheridan Broadcasting National Black College Champions, the American Sports Wire National Black College Champions, and the MBC/BCSP National Black College Champions; considered and agreed to.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. Res. 288. A resolution commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game; considered and agreed to.

ADDITIONAL COSPONSORS—TUESDAY, JANUARY 20, 2004

S. 1891

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1891, a bill to amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed Customs brokers and sureties on behalf of a debtor.

ADDITIONAL COSPONSORS

S. 348

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 348, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1272

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1272, a bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties.

S. 1345

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1345 , a bill to extend the authorization for the ferry boat discretionary program, and for other purposes.

S. 1700

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1813

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. 1961

At the request of Mr. HOLLINGS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1961, a bill to provide for the revitalization and enhancement of the American passenger and freight rail transportation system.

S. 1998

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1998, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 2006

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 2006, a bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

S.J. RES. 19

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 19, a joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

S. RES. 276

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 276, a resolution expressing the sense of the Senate regarding fighting terror and embracing efforts to achieve Israeli-Palestinian peace.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself and Mr. DASCHLE):

S. 2010. A bill to strengthen national security and United States borders, reunify families, provide willing workers, and establish earned adjustment under the immigration laws of the United States; to the Committee on the Judiciary.

Mr. HAGEL. Mr. President, 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. 2010

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 ''Immigration Reform Act of 2004: Strengthening America's National Security, Economy, and Families'' or the ''Immigration Reform Act of 2004''.

TITLE I— FAMILY REUNIFICATION

SEC. 101. TREATMENT OF IMMEDIATE RELATIVES WITH RESPECT TO THE FAMILY IMMIGRATION CAP.

(a) EXEMPTION OF IMMEDIATE RELATIVES FROM FAMILY-SPONSORED IMMIGRANT CAP.—Section 201(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(1)(A)) is amended by striking clauses (i), (ii), and (iii) and inserting the following:

''(i) 480,000, minus;

''(ii) the number computed under paragraph (3); plus

''(iii) the number (if any) computed under paragraph (2).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 102. RECLASSIFICATION OF SPOUSES AND MINOR CHILDREN OF LEGAL PERMANENT RESIDENTS AS IMMEDIATE RELATIVES.

(a) IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) in the first sentence, by inserting ''or the spouses and children of aliens lawfully admitted for permanent residence,'' after ''United States,'';

(2) in the second sentence—

(A) by inserting ''or lawful permanent resident'' after ''citizen'' each place that term appears; and

(B) by inserting ''or lawful permanent resident's'' after ''citizen's'' each place that term appears;

(3) in the third sentence, by inserting ''or the lawful permanent resident loses lawful permanent resident status'' after ''United States citizenship''; and

(4) by adding at the end the following: ''A spouse or child, as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join the spouse or parent. The same treatment shall apply to parents of citizens of the United States being entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join their daughter or son.''.

(b) ALLOCATION OF IMMIGRANT VISAS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (1), by striking ''23,400'' and inserting ''38,000'';

(2) by striking paragraph (2) and inserting the following:

''(2) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed 60,000 plus the number (if any) by which such worldwide level exceeds 226,000, plus any visas not required for the class specified in paragraph (1).'';

(3) in paragraph (3), by striking ''23,400'' and inserting ''38,000''; and

(4) in paragraph (4), by striking ''65,000'' and inserting ''90,000''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1), by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)(4)—

(i) by striking subparagraphs (A) and (B);

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B) respectively; and

(iii) in subparagraph (A), as so redesignated, by striking ''section 203(a)(2)(B)'' and inserting ''section 203(a)(2)''; and

(B) in subsection (e), in the flush matter following paragraph (3), by striking '', or as limiting the number of visas that may be issued under section 203(a)(2)(A) pursuant to subsection (a)(4)(A)''.

(3) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)'';

(ii) in subparagraph (A), by striking ''becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent),'' and inserting ''became available for the alien's parent,''; and

(iii) in subparagraph (B), by striking ''applicable'';

(B) in paragraph (2), by striking ''The petition'' and all that follows through the period and inserting ''The petition described in this paragraph is a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c).''; and

(C) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''.

(4) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting ''or legal permanent resident'' after ''citizenship'';

(II) in clause (iv)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) by inserting ''or legal permanent resident'' after ''citizenship'';

(III) in clause (v)(I), by inserting ''or legal permanent resident''; and

(IV) in clause (vi)—

(aa) by inserting ''or legal permanent resident status'' after ''renunciation of citizenship''; and

(bb) by inserting ''or legal permanent resident'' after ''abuser's citizenship'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking ''subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''clause (iii) or (iv) of subparagraph (A)''; and

(v) in subparagraph (I), as so redesignated—

(I) by striking ''or clause (ii) or (iii) of subparagraph (B)''; and

(II) by striking ''under subparagraphs (C) and (D)'' and inserting ''under subparagraphs (B) and (C)'';

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking ''or a petition filed under subsection (a)(1)(B)(ii)''; and

(D) in subsection (j), by striking ''subsection (a)(1)(D)'' and inserting ''subsection (a)(1)(C)''.

SEC. 103. EXCEPTIONS.

Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

''(V) SPOUSES AND CHILDREN OF LEGAL PERMANENT RESIDENTS OR CITIZENS OF THE UNITED STATES AND PARENTS OF UNITED STATES CITIZENS.—The provisions of this subparagraph or subparagraph (C)(i)(I) shall be waived for spouses and children of legal permanent residents or citizens of the United States as well

as parents of citizens of the United States, as such terms are defined in section 201(b)(2)(A)(i), on whose behalf or who are derivative beneficiaries of a petition filed under section 203 on or before the date of introduction of the Immigration Reform Act of 2004.''.

TITLE II—WILLING WORKER PROGRAM

SEC. 201. WILLING WORKERS.

(a) H–2B WORKERS.—Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) is amended—

(1) by inserting ''subject to section 212(t),'' before ''having a residence''; and

(2) by striking ''temporary service or labor'' and inserting ''short-term service or labor, lasting not more than 9 months''.

(b) H–2C WORKERS.—Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) is amended by striking ''profession; or'' and inserting ''profession, or (c) subject to section 212(t), who is coming temporarily to the United States to perform labor or services, other than those occupation classifications covered under the provisions of clause (i)(b), (ii)(a), or (ii)(b) of this subparagraph or subparagraph (L), (O), or (P), for a United States employer, if United States workers qualified to perform such labor or service cannot be identified; or''.

SEC. 202. RECRUITMENT OF UNITED STATES WORKERS.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) by redesignating subsection (p), as added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(2) by adding at the end the following:

''(t)(1) An employer that seeks to employ an alien described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall, with respect to an alien described in such clause (ii)(b), 14 days prior to filing an application under paragraph (3), and with respect to an alien described in such clause (ii)(c), 30 days prior to filing an application under paragraph (3), take the following steps to recruit United States workers for the position for which the nonimmigrant worker is sought:

''(A) Submit a copy of the job opportunity, including a description of the wages and other terms and conditions of employment, to the United States Employment Services within the Department of Labor (ES) which shall provide the employers with an acknowledgement of receipt of the documentation provided to the ES in accordance with this subparagraph.

''(B) Authorize the ES to post the job opportunity on 'America's Job Bank' and local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job in question.

''(C) Authorize the ES to notify the central office of the State Federation of Labor in the State in which the job is located.

''(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

''(E) Advertise, with respect to an alien described in such clause (ii)(b), for at least 3 consecutive days, and for an alien described in such clause (ii)(c), for at least 10 consecutive days, the availability of the job opportunity for which the employer is seeking a worker in a publication with the highest circulation in the labor market that is likely to be patronized by a potential worker.

''(F) Based on recommendations by the local job service, advertise the availability of the job opportunity in professional, trade, or ethnic publications that are likely to be patronized by a potential worker.

''(2) An employer that seeks to employ an alien described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall—

''(A) has offered the job to any United States worker who applies and is qualified for the job for which the nonimmigrant worker is sought and who is available at the time of need; and

''(B) be required to maintain, for at least 1 year after the employment relationship is terminated, documentation of recruitment efforts and responses received prior to the filing of the employer's application with the Secretary of Labor, including resumes, applications, and if applicable, tests of United States workers who applied and were not hired for the job the employer seeks to fill with a nonimmigrant worker.''.

SEC. 203. ADMISSION OF WILLING WORKERS.

(a) APPLICATION TO THE SECRETARY OF LABOR.—Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as added by section 202, is amended by adding after paragraph (2) the following:

''(3) An employer that seeks to fill a position with an alien described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H), shall file with the Secretary of Labor an application attesting that—

''(A) the employer is offering and will offer during the period of authorized employment to aliens admitted or provided status as a nonimmigrant described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H), wages that are at least—

''(i) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

''(ii) the prevailing wage level for the occupational classification in the area of employment;

whichever is greater, based on the best information available at the time of the filing of the application, and for purposes of clause (ii) the prevailing wage level shall be, if the job opportunity is covered by a collective bargaining agreement between a union and the employer, the wage rate set forth in the collective bargaining agreement, or if the job opportunity is not covered by a collective bargaining agreement between a union and the employer, and it is in an occupation that is covered by a wage determination under the Davis-Bacon Act (40 U.S.C. 276a et seq.) or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the appropriate statutory wage determination;

''(B) the employer will offer the same wages, benefits, and working conditions for such nonimmigrant as those provided to United States workers similarly employed in the same occupation and the same place of employment;

''(C) there is not a strike, lockout, or labor dispute in the occupational classification at the place of employment (including any concerted activity to which section 7 of the Labor Management Relations Act (29 U.S.C. 157) applies);

''(D) the employer will abide by all applicable laws and regulations relating to the right of workers to join or organize a union;

''(E) the employer has provided notice of the filing of the application to the bargaining representative, if any, of the employer's employees in the occupational classification at the place of employment or, if there is no such bargaining representative, has posted notice of the filing in conspicuous locations at the place of employment for all employees to see for not less than 10 business days for an alien described in clause (ii)(b) of section 101(a)(15)(H) and for not less than 25 business days for an alien described in clause (ii)(c) of such section;

''(F) the employer (including its officers, representatives, agents, or attorneys) has not required the applicant to pay any fee or charge for preparing the application and submitting it to the Secretary of Labor, the Secretary of Homeland Security, or the Secretary of State;

''(G) the requirements for the job opportunity represent the employer's actual minimum requirements for that job and the employer will not hire nonimmigrant workers with less training or experience;

''(H) the employer, within the 60 days prior to the filing of the application and the 60 days following the filing, has not laid-off, and will not lay-off, any United States worker employed by the employer in any similar position at the place of employment;

''(I) the employer, prior to the filing of the application, has complied with the recruitment requirements in accordance with paragraph (1); and

''(J) no job offer may impose on United States workers any restrictions or obligations that will not be imposed by an employer on a nonimmigrant worker described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H).''.

(b) ACCOMPANIED BY JOB OFFER.—Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by subsection (a), is further amended by adding after paragraph (3) the following:

''(4) Each application filed under paragraph (3) shall be accompanied by—

''(A) a copy of the job offer describing the wages and other terms and conditions of employment;

''(B) a statement of the minimum education, training, experience, and requirements for the job opportunity in question;

''(C) copies of the documentation submitted to the United States Employment Services within the Department of Labor (ES) to recruit United States workers in accordance with paragraph (1);

''(D) copies of the advertisements to recruit United States workers placed in publications in accordance with paragraph (1); and

''(E) a copy of the acknowledgement of receipt provided to the employer by the ES in accordance with paragraph (1)(A).''.

(c) INCOMPLETE APPLICATIONS; RETENTION OF APPLICATION; FILING OF PETITION.—Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by subsection (b), is further amended by adding after paragraph (4) the following:

''(5) The Secretary of Labor shall review the application and requisite documents filed in accordance with paragraphs (3) and (4) for completeness and accuracy and if deficiencies are found, the Secretary of Labor shall notify the employer and provide the employer with an opportunity to address such deficiencies.

''(6) A copy of the application and requisite documents filed with the Secretary of Labor in accordance with paragraphs (3) and (4) shall be retained by the employer in a public access file at the employer's headquarters or principal place of employment of the alien for the duration of the employment relationship and for 1 year after the termination of that employment relationship.

''(7) Upon the approval of an application by the Secretary of Labor, an employer who seeks to employ an alien described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall file a petition as required under section 214(c)(1) with the Bureau of Citizenship and Immigration Services within the Department of Homeland Security.

''(8) Upon finalization of the visa processing, the Secretary of Homeland Security shall issue each alien who obtains legal status under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) with a counterfeit-resistant visa and a document of authorization, both of

which meet all the requirements established by the Secretary of Homeland Security for travel documents and reflects the benefits and status set forth in this subsection.''.

SEC. 204. WORKER PROTECTIONS.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 203, is further amended by adding after paragraph (7) the following:

''(8)(A) Nothing in this subsection shall be construed to limit the rights of an employee under a collective bargaining agreement or other employment contract.

''(B) An alien admitted or otherwise provided status under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall not be denied any right or any remedy under Federal, State, or local labor or employment law that is applicable to a United States worker employed in a similar position with the employer because of the status of the alien as a nonimmigrant worker.

''(C) It shall be unlawful for an employer who has filed a petition for a nonimmigrant worker described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner, discriminate against an employee (including a former employee) because the employee—

''(i) disclosed information, to the employer or to any other person, that the employee reasonably believes evidences a violation of this subsection or any rule or regulation pertaining to this subsection; or

''(ii) because the employee cooperates or seeks to cooperate in a government investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.

''(D) The Secretary of Labor and the Secretary of Homeland Security shall establish a process under which a nonimmigrant worker described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) who files a complaint regarding a violation of this subsection, or any other rule or regulation pertaining to this subsection and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for that nonimmigrant classification.

''(E)(i) The Secretary of Labor and the Special Counsel of the Office of Special Counsel for Immigration-Related Unfair Employment Practices within the Department of Justice (referred to in this paragraph as the 'Special Counsel') shall jointly prescribe a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in the application submitted under paragraph (3), or a petitioner's misrepresentation of a material fact in an application submitted under paragraph (3). The Secretary of Labor and the Special Counsel shall provide for coordinated enforcement that ensures that the investigation and hearing process for a complaint under this subparagraph is the same whether conducted by the Secretary of Labor or the Special Counsel.

''(ii) A complaint may be filed under this subparagraph with either the Secretary of Labor or the Special Counsel by an aggrieved person or organization (including bargaining representatives). The complaint shall be in writing under oath and penalty of perjury, and shall contain such information and be in such form as the Secretary of Labor or the Special Counsel requires. No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date on which the failure or misrepresentation became known or should have become known by the complainant. The Secretary of Labor and the Special Counsel shall jointly conduct an investigation under this clause if there is reasonable basis to believe that such a failure or misrepresentation has occurred.

''(iii) The process established under clause (i) shall provide that, not later than 30 days after a complaint is filed, a determination of whether or not a reasonable basis exists to find a violation shall be made.

''(iv) If the Secretary of Labor or the Special Counsel, after receiving a complaint under this subparagraph, determines after an investigation that a reasonable basis exists under clause (iii), the Secretary of Labor or the Special Counsel, as the case may be, may require the parties to submit the issues to conciliation pursuant to a process jointly prescribed by the Secretary of Labor and the Special Counsel. Such process shall remain confidential and may not be made public by the Secretary of Labor, the Special Counsel, their officers or employees, or either of the parties or their representatives. The conciliation period shall be 60 days. If there is a determination that there is a reasonable likelihood that the complaint may be resolved through conciliation, the conciliation process may be extended up to 2 additional periods of 30 days each.

''(v) If the complaint is not resolved through conciliation, then not later than 30 days after a determination is made, the Secretary of Labor or the Special Counsel, as the case may be, shall issue a notice to the interested parties that provides an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

''(vi) If, on the basis of an investigation of a complaint under this subparagraph, it is determined that a reasonable basis does not exist the Secretary of Labor or the Special Counsel, as the case may be, shall issue a notice to the interested parties and offer either party an opportunity to appeal the determination of the Secretary of Labor or the Special Counsel. The appeal will provide for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

''(vii) If after receipt of a complaint in accordance with this subparagraph, no determination is issued within 30 days of whether a reasonable basis exists to find a violation, the interested or aggrieved party or their representative may request a hearing on the matter in accordance with section 556 of title 5, United States Code, by filing the request directly with the Office of the Chief Administrative Hearing Officer.

''(viii) If either party disagrees with the determination by the Secretary of Labor or the Special Counsel, they may appeal the decision to the Office of the Chief Administrative Hearing Officer, and if either party disagrees with the determination by the Office of the Chief Administrative Hearing Officer, they may appeal the decision to an administrative law judge.

''(ix) If at any stage there is a determination that there was a failure to meet a requirement of paragraph (3), or a misrepresentation of a material fact in an application—

''(I) the Secretary of Labor, Special Counsel, Office of the Chief Administrative Hearing Officer, or administrative law judge, as the case may be, shall notify the Secretary of Homeland Security of such findings, and may award such equitable relief as the party making the determination deems appropriate and impose administrative remedies, including civil monetary penalties not to exceed $2,500 per violation; and

''(II) the Secretary of Homeland Security shall not approve petitions filed by that employer under section 214(c) for a period of at least 1 year for aliens to be employed by the employer.

''(x) The Secretary of Homeland Security may continue to accept from an employer and approve a petition that is subject to clause (ix)(II) if the employer shows to the satisfaction of the Secretary that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that the employer's act or omission was not a violation. A non-immigrant worker covered by the application shall remain entitled to equitable relief notwithstanding any such finding of good faith.

''(xi) If at any stage there is a determination that there was a willful failure to meet a requirement of paragraph (3), or a willful misrepresentation of a material fact in an application—

''(I) the Secretary of Labor, Special Counsel, Office of the Chief Administrative Hearing Officer, or administrative law judge, as the case may be, shall notify the Secretary of Homeland Security of such findings, and may award such equitable relief as the party making the determination deems appropriate and may impose administrative remedies, including civil monetary penalties in an amount not to exceed $7,500 per violation; and

''(II) the Secretary of Homeland Security shall not approve petitions filed with respect to that employer under section 214(c) during a period of at least 2 years for aliens to be employed by the employer.

''(xii) If at any stage there is a determination that there was a willful failure to meet a requirement of paragraph (3), or a willful misrepresentation of material fact in an application, in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer within the period beginning 60 days before and ending 60 days after the date of filing of any visa petition supported by the application—

''(I) the Secretary of Labor, Special Counsel, Office of the Chief Administrative Hearing Officer, or administrative law judge, as the case may be, shall notify the Secretary of Homeland Security of such findings, and may award such equitable relief as the party making the determination deems appropriate and may impose administrative remedies, including civil monetary penalties in an amount not to exceed $35,000 per violation; and

''(II) the Secretary of Homeland Security shall not approve petitions filed with respect to that employer under section 214(c) during a period of at least 3 years for aliens to be employed by the employer.

''(F) The Secretary of Labor and Special Counsel shall have the authority to initiate and pursue investigations and audits of employers, whether upon complaint or otherwise, in order to ensure that employers are not violating the rights guaranteed under this subsection to nonimmigrant workers described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H).''.

SEC. 205. NOTIFICATION OF EMPLOYEE RIGHTS.

Section 214(c), of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(11) An employer that employs an alien described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall provide such alien with the same notification of the alien's rights and remedies under Federal, State, and local laws that the employer is required to provide to United States workers and, upon request of the United States worker, make available to United States employees a copy of the attested application submitted by the employer regarding that alien to the Secretary

of Labor and the application by the employer regarding that alien submitted to the Secretary of Homeland Security.''.

SEC. 206. PORTABILITY.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 204, is further amended by adding after paragraph (8) the following:

''(9)(A) Except as provided in subparagraph (C), any alien admitted or otherwise provided status as a nonimmigrant described in section 101(a)(15)(H)(ii)(c) may change employers only after the alien has been employed by the petitioning employer for at least 3 months from the date of admission or the date such status was otherwise acquired.

''(B) Except as provided in subparagraph (C), any alien admitted or otherwise provided status as a nonimmigrant described in section 101(a)(15)(H)(ii)(b) shall be prohibited from changing employers after the alien has been employed by the petitioning employer.

''(C) The 3-month employment requirement in subparagraph (A) may be waived (without loss of status during the period of the waiver) for a nonimmigrant described in section 101(a)(15)(H)(ii)(c) and the employment requirement in subparagraph (B) may be waived (without loss of status during the period of the waiver) for a nonimmigrant described in section 101(a)(15)(H)(ii)(b) in circumstances where—

''(i) the alien began and continued the employment in good faith but the employer violated a term or condition of sponsorship of the alien under this Act or violated any other law or regulation relating to the employment of the alien; or

''(ii) the personal circumstances of the alien changed so as to require a change of employer, including family, medical, or humanitarian reasons, a disability, or other factor rendering the alien unable to perform the job.

''(D) If a waiver under subparagraph (C) is sought, the application shall be accompanied by such evidence to warrant the approval of such waiver.

''(E) A nonimmigrant alien admitted or otherwise provided status as a nonimmigrant described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) may accept new employment with a new employer upon the filing by the new employer of a new application on behalf of such alien as provided under paragraph (3). Employment authorization shall continue until the new petition is adjudicated. If the new petition is denied, the alien's right to work as established by this subsection shall cease. The alien's right to work, if any, established by any other provision of law, shall not be affected by the denial of such new application.''.

SEC. 207. SPOUSES AND CHILDREN OF WILLING WORKERS.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 206, is further amended by adding after paragraph (9) the following:

''(10) A spouse or child of a nonimmigrant worker described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall be eligible for derivative status by accompanying or following to join the alien.''.

SEC. 208. PETITIONS BY EMPLOYER GROUPS AND UNIONS.

Section 214(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) is amended—

(1) by inserting after the first sentence the following: ''In the case of an alien or aliens described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H), the petition may be filed by an associated or affiliated group of employers that have multiple openings for similar employment on behalf of the individual employers or by a union or union consortium. The petition, if approved, will be valid for employment in the described positions for the member employers, the union, or union consortium, provided the employing entity has complied with all applicable recruitment requirements and paid the requisite petition fees.''; and

(2) by adding at the end the following: ''Nothing in this paragraph shall be construed to permit a recruiting entity or job shop to petition for an alien described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H).''.

SEC. 209. PROCESSING TIME FOR PETITIONS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 205, is further amended by adding at the end the following:

''(12) The Secretary of Labor shall review the application filed under section 212(t)(3) for completeness and accuracy and issue a determination with regard to the application not later than 21 days after the date on which the application was filed.

''(13) The Secretary of Homeland Security shall establish a process for reviewing and completing adjudications upon petitions filed under this subsection with respect to nonimmigrant workers described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) and derivative applications associated with these petitions, not later than 60 days after the completed petition has been filed.''.

SEC. 210. TERMS OF ADMISSION.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

''(8) In the case of a nonimmigrant described in section 101(a)(15)(H)(ii)(b), the initial period of authorized admission shall be for not more than 9 months from the date of application for admission in such status in any 1-year period. No nonimmigrant described in such section may be admitted for a total period that exceeds 36 months in a 4-year period.

''(9) In the case of a nonimmigrant described in section 101(a)(15)(H)(ii)(c), the initial period of authorized admission shall be for not more than 2 years. The employer may petition for extensions of such status for an additional period of not more than 2 years. No nonimmigrant described in such section shall be admitted for a total period that exceeds 4 years.

''(10)(A) The limitations contained in paragraphs (8) and (9) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(c) on whose behalf a petition has been filed under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status has been filed under section 245 to accord the alien status under section 203(b), if 365 days or more have elapsed since—

''(i) the filing of a labor certification application on behalf of the alien (if such certification is required for the alien to obtain status under section 203(b)); or

''(ii) the filing of the petition under section 204(a).

''(B) The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under subparagraph (A) in 1-year increments until such time as a final decision is made—

''(i) to deny the application described in subparagraph (A)(i), or, in a case in which such application is granted, to deny a petition described in subparagraph (A)(ii) filed on behalf of the alien pursuant to such grant;

''(ii) to deny the petition described in subparagraph (A)(ii); or

''(iii) to grant or deny the alien's application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence.''.

SEC. 211. NUMBER OF VISAS ISSUED.

Section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)) is amended to read as follows:

''(B)(i) under section 101(a)(15)(H)(ii)(c) may not exceed 250,000 in each of the 5 fiscal years following the fiscal year in which the final regulations implementing the amendments made by title II of the Immigration Reform Act of 2004 are published; and

''(ii) under section 101(a)(15)(H)(ii)(b) may not exceed 100,000 in each of the 5 fiscal years following the fiscal year in which the final regulations implementing the amendments made by title II of the Immigration Reform Act of 2004 are published, and may not exceed 66,000 in each fiscal year thereafter.''.

SEC. 212. IMMIGRATION STUDY COMMISSION.

(a) ESTABLISHMENT.—On the date that is 3 years after the date of enactment of this Act, there shall be established a commission, to be known as the Immigration Study Commission (referred to in this section as the ''Commission'') to review the impact of this Act on the national security of the United States, the national economy, and families, and to make recommendations to Congress.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members, of which—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the minority leader of the Senate;

(C) 3 members shall be appointed by the Speaker of the House of Representatives; and

(D) 3 members shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—The Commission members shall represent the public and private sectors and have expertise in areas that would best inform the work of the Commission, including national security experts, economists, sociologists, worker representatives, business representatives, and immigration lawyers.

(3) CHAIRPERSON.—The chairperson of the Commission shall be a Commission member agreed upon by the majority and minority leaders of the Senate, and the Speaker and the minority leader of the House of Representatives.

(4) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(5) TERMS.—Each member shall be appointed for the life of the Commission. Any vacancy shall be filled by whomever initially appointed the member of that seat.

(c) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Bureau of Citizenship and Immigration Services.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) REPORT.—Not later than 1 year after all of the members are appointed to the Commission, the Commission shall submit to Congress a preliminary report that summarizes the directions of the Commission and initial recommendations. Not later than 2 years after the Commission members are appointed, the Commission shall submit to Congress a report that summarizes the findings of the Commission and make such recommendations as are consistent with this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section.

SEC. 213. CHANGE OF STATUS.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 207, is further amended by adding after paragraph (10) the following:

''(11) An alien admitted as a nonimmigrant or otherwise provided status under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall be eligible to obtain a change of status to another immigrant or nonimmigrant classification that the alien may be eligible for.''.

SEC. 214. ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.

(a) EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 213, is further amended by adding after paragraph (11) the following:

''(12)(A) Nonimmigrant aliens admitted or otherwise provided status under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall be eligible for an employment-based immigrant visa pursuant to section 203(b)(3) and adjustment of status pursuant to section 245.

''(B) Pursuant to subparagraph (A), for purposes of adjustment of status under section 245(a) or issuance of an immigrant visa under section 203(b)(3), employment-based immigrant visas shall be made available, without regard to any numerical limitation imposed by section 201 or 202, to an alien having nonimmigrant status described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) upon the filing of a petition for such a visa by—

''(i) the employer or any collective bargaining agent of the alien; or

''(ii) the alien, provided the alien has been employed under such nonimmigrant status for at least 3 years.

''(C) The spouse or child of an alien granted status under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) shall be eligible as a derivative beneficiary for an immigrant visa and adjustment of status.''.

(b) DUAL INTENT.—Section 214(h) of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended by inserting ''(H)(ii)(b), (H)(ii)(c),'' after ''(H)(i),''.

SEC. 215. GROUNDS OF INADMISSIBILITY.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 214(a), is further amended by adding after paragraph (12) the following:

''(13) In determining the admissibility of an alien under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H), violations of grounds of inadmissibility described in paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(G), (7), (9), and (10)(B) of section 212(a) committed prior to the application under such section, or the approval of a change of status to a classification under such section shall not apply if the violation was committed before the date of introduction of the Immigration Reform Act of 2004.''.

SEC. 216. PETITION FEES.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 215, is further amended by adding after paragraph (13) the following:

''(14)(A) An employer filing a petition for an alien described in section 101(a)(15)(H)(ii)(c) shall be required to pay a filing fee for each alien, based on the cost of carrying out the processing duties under this subsection, and a secondary fee of—

''(i) $250, in the case of an employer employing 25 employees or less;

''(ii) $500, in the case of an employer employing between 26 and 150 employees;

''(iii) $750, in the case of an employer employing between 151 and 500 employees; or

''(iv) $1,000, in the case of an employer employing more than 500 employees.

''(B) An employer filing a petition for an alien described in section 101(a)(15)(H)(ii)(b) shall be required to pay a filing fee for each alien, based on the costs of carrying out the processing duties under this subsection, and a secondary fee of—

''(i) $125, in the case of an employer employing 25 employees or less;

''(ii) $250, in the case of an employer employing between 26 and 150 employees;

''(iii) $375, in the case of an employer employing between 151 and 500 employees; or

''(iv) $500, in the case of an employer employing more than 500 employees.

''(C) The fees collected under this paragraph shall be deposited into accounts within the Department of Homeland Security, the Department of Labor, and the Department of State, and allocated such that—

''(i) 15 percent of the amounts received shall be made available to the Department of Homeland Security until expended to carry out the requirements related to processing petitions filed by employers for aliens described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H);

''(ii) 20 percent of the amounts received shall be made available to the Department of Labor until expended to—

''(I) carry out the requirements related to processing attestations filed by employers for aliens described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H); and

''(II) increase the funds available to the United States Employment Services to assist State employment service agencies in responding to employers and employees contacting such agencies as a result of paragraph (1);

''(iii) 15 percent of the amounts received shall be made available to the Department of State until expended to carry out the requirements related to processing applications for visas by aliens under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H);

''(iv) 20 percent of the amounts received shall be made available for the performance of functions under section 212(t)(8)(F) as the Secretary of Labor and the Special Counsel of the Office of the Special Counsel for Immigration-Related Unfair Employment Practices within the Department of Justice may agree; and

''(v) 30 percent of the amounts received shall be made available to the Department of Homeland Security for implementation of border security measures.''.

SEC. 217. TERMINATON OF H-2C TEMPORARY WORKER PROGRAM.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 216, is further amended by adding after paragraph (14) the following:

''(15) The temporary worker program for aliens described in section 101(a)(15)(H)(ii)(c) shall terminate at the end of the fiscal year that is 5 years after the fiscal year in which the final regulations implementing the amendments made by title II of the Immigration Reform Act of 2004 are published. Congress shall review the temporary worker program before the expiration of the program based on the findings and recommendations submitted by the Immigration Study Commission under section 212(d) of the Immigration Reform Act of 2004.''.

SEC. 218. DEFINITIONS.

Section 212(t) of the Immigration and Nationality Act (8 U.S.C. 1182(t)), as amended by section 217, is further amended by adding after paragraph (15) the following:

''(16) In this subsection:

''(A) The term 'employer' means any person or entity that employs workers in labor or services that are not agricultural, and shall not include recruiting entities or job shops.

''(B) The term 'job opportunity' means a job opening for temporary full-time or part-time employment at a place in the United States to which United States workers can be referred.

''(C)(i) The term 'lays off', with respect to a worker—

''(I) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility, termination of the position or company, temporary layoffs due to weather, markets, or other temporary conditions; but

''(II) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(ii) Nothing in this subparagraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(D) The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H).''.

SEC. 219. COLLECTIVE BARGAINING AGREEMENTS.

Notwithstanding any other provision of law, the fact that an individual holds a visa as a nonimmigrant worker described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) shall not render that individual ineligible to qualify as an employee under the National Labor Relations Act (29 U.S.C. 151 et seq.) or to be protected under section 7 of that Act (29 U.S.C. 157).

SEC. 220. REPORT ON WAGE DETERMINATION.

Not later than 2 years after the date of enactment of this Act, the Bureau of Labor Statistics shall prepare and transmit to the Committees on Health, Education, Labor and Pensions and the Judiciary in the Senate and the Committees on Education and the Workforce and the Judiciary in the House of Representatives, a report that addresses—

(1) whether the employment of workers described in clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) in the

United States workforce has impacted United States worker wages;

(2) whether any changes should be made for a future wage system, based on, inter alia, an examination of the Occupational Employment System survey, its calculation of wage data based on skill and experience levels, difference among types of employers (specifically for-profit and nonprofit, and government and nongovernment);

(3) whether use of private, independent wage surveys would provide accurate and reliable criteria to determine wage rates; and

(4) any other recommendations that are warranted.

SEC. 221. INELIGIBILITY FOR CERTAIN NONIMMIGRANT STATUS.

(a) BAR TO FUTURE VISAS FOR CONDITION VIOLATIONS.—Any alien who has status pursuant to section 245B of the Immigration and Nationality Act, as added by title III, or clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), shall not be eligible in the future for such nonimmigrant status if the alien violates any term or condition of such status.

(b) ALIENS UNLAWFULLY PRESENT.—Any alien who enters the United States after the date of enactment of this Act without being admitted or paroled shall be ineligible for nonimmigrant status under clause (ii)(b) or (ii)(c) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)).

SEC. 222. INVESTIGATIONS BY DEPARTMENT OF HOMELAND SECURITY DURING LABOR DISPUTES.

(a) IN GENERAL.—When information is received by the Department of Homeland Security concerning the employment of undocumented or unauthorized aliens, consideration should be given to whether the information is being provided to interfere with the rights of employees to—

(1) form, join, or assist labor organizations or to exercise their rights not to do so;

(2) be paid minimum wages and overtime;

(3) have safe work places;

(4) receive compensation for work related injuries;

(5) be free from discrimination based on race, gender, age, national origin, religion, or handicap; or

(6) retaliate against employees for seeking to vindicate these rights.

(b) DETERMINATION OF LABOR DISPUTE.—Whenever information received from any source creates a suspicion that an immigration enforcement action might involve the Department of Homeland Security in a labor dispute, a reasonable attempt should be made by Department of Homeland Security enforcement officers to determine whether a labor dispute is in progress. The information officer at the regional office of the National Labor Relations Board can supply status information on unfair labor practice charges or union election or decertification petitions that are pending involving most private sector, non-agricultural employers. Wage and hour information can be obtained from the Wage and Hour Division of the Department of Labor or the State labor department.

(c) RELEVANT QUESTIONS FOR INFORMANT.—In order to protect the Department of Homeland Security from unknowingly becoming involved in a labor dispute, persons who provide information to the Department of Homeland Security about the employer or employees involved in the dispute should be asked—

(1) their names;

(2) whether there is a labor dispute in progress at the worksite;

(3) whether the person is or was employed at the worksite in question (or by a union representing workers at the worksite);

(4) if applicable, whether the person is or was employed in a supervisory or managerial capacity or is related to anyone who is;

(5) how the person came to know that the subjects lacked legal authorization to work, as well as the source and reliability of the information concerning the subject's status;

(6) whether the person had or is having a dispute with the employer or the subjects of the information; and

(7) if the subjects of the information have raised complaints or grievances about hours, working conditions, discriminatory practices, or union representation or actions, or whether the subjects have filed workers' compensation claims.

(d) BICE REVIEW.—There is no prohibition for enforcing the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), even when there may be a labor dispute in progress, however, where it appears that information may have been provided in order to interfere with or to retaliate against employees for exercising their rights, no action should be taken on this information without review and approval by the Bureau of Immigration and Customs Enforcement.

(e) ENFORCEMENT ACTION.—When enforcement action is taken by the Department of Homeland Security and the Department determines that there is a labor dispute in progress, or that information was provided to the Department of Homeland Security to retaliate against employees for exercising their employment rights, the lead immigration officer in charge of the Department of Homeland Security enforcement team at the worksite must ensure, to the extent possible, that any aliens who are arrested or detained and are necessary for the prosecution of any violations are not removed from the country without notifying the appropriate law enforcement agency that has jurisdiction over the violations.

(f) INTERVIEWS.—Any arrangements for aliens to be held or interviewed by investigators or attorneys for the Department of Labor, the State labor department, the National Labor Relations Board, or any other agencies or entities that enforce labor or employment laws will be determined on a case-by-case basis.

SEC. 223. PROTECTION OF WITNESSES.

Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 280 the following:

''STAY OF REMOVAL

''SEC. 280A. (a) An alien against whom removal proceedings have been initiated pursuant to chapter 4, who has filed a workplace claim or who is a material witness in any pending or anticipated proceeding involving a workplace claim, shall be entitled to a stay of removal and to an employment authorized endorsement unless the Department of Labor established by a preponderance of the evidence in proceedings before the immigration judge presiding over that alien's removal hearing—

''(1) that—

''(A) the Department of Homeland Security initiated the alien's removal proceeding for wholly independent reasons and not in any respect based on, or as a result of, any information provided to or obtained by the Department of Homeland Security from the alien's employer, from any outside source, including any anonymous source, or as a result of the filing or prosecution of the workplace claim; and

''(B) the workplace claim was filed with a bad faith intent to delay or avoid the alien's removal; or

''(2) that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

''(b) Any stay of removal or work authorization issued pursuant to subsection (a) shall remain valid and in effect at least during the pendency of the proceedings concerning such workplace claim. The Secretary of Homeland Security shall extend such relief for a period of not longer than 3 additional years upon determining that—

''(1) such relief would enable the alien asserting the workplace claim to be made whole;

''(2) the deterrent goals of any statute underlying the workplace claim would thereby be served; or

''(3) such extension would otherwise further the interests of justice.

''(c) In this section—

''(1) the term 'workplace claim' shall include any claim, charge, complaint, or grievance filed with or submitted to the employer, a Federal or State agency or court, or an arbitrator, to challenge an employer's alleged civil or criminal violation of any legal or administrative rule or requirement affecting the terms or conditions of its workers' employment or the hiring or firing of its workers; and

''(2) the term 'material witness' means an individual who presents an affidavit from an attorney prosecuting or defending the workplace claim or from the presiding officer overseeing the workplace claim attesting that, to the best of the affiant's knowledge and belief, reasonable cause exists to believe that the testimony of the individual will be crucial to the outcome of the workplace claim.

''CONFIDENTIALITY OF IMMIGRATION INFORMATION OBTAINED DURING ADMINISTRATIVE PROCEEDINGS

''SEC. 280B. (a) No officer or employee, including any former officer or employee, of any Federal or State administrative agency with jurisdiction over any employer's workplace shall disclose to the Department of Homeland Security, or cause to be published in a manner that discloses to the Department of Homeland Security, any information concerning the immigration status of any worker obtained by that officer or employee in connection with the official duties of that officer or employee, and the Department of Homeland Security shall not, in any enforcement action or removal proceeding, use or rely upon, in whole or in part, any information so obtained.

''(b) Any person who knowingly uses, publishes, or permits information to be used in violation of subsection (a) shall be fined not more than $10,000.''.

SEC. 224. DOCUMENT FRAUD.

Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended by inserting before ''In applying this subsection'' the following: ''The civil penalties set forth in subparagraphs (A) and (B) shall be tripled in the case of any commercial enterprise that commits any violation of subsection (a) principally for commercial advantage or financial gain.''.

TITLE III—ACCESS TO EARNED ADJUSTMENT

SEC. 301. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

''ACCESS TO EARNED ADJUSTMENT

''SEC. 245B. Access to earned adjustment.

''(a) ADJUSTMENT OF STATUS.—

''(1) PRINCIPAL ALIENS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien who satisfies the following requirements:

''(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

''(B) CONTINUOUS PHYSICAL PRESENCE.—

''(i) IN GENERAL.—The alien shall establish that the alien—

''(I) was physically present in the United States for at least 5 years preceding the date of introduction of the Immigration Reform Act of 2004;

''(II) was not legally present on the date of introduction of the Immigration Reform Act of 2004; and

''(III) has not departed from the United States except for brief, casual, and innocent departures.

''(ii) LEGALLY PRESENT.—For purposes of this subparagraph, an alien who has violated any conditions of his or her visa shall not be considered to be legally present in the United States.

''(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

''(D) EMPLOYMENT IN UNITED STATES.—

''(i) IN GENERAL.—The alien shall have been employed in the United States, in the aggregate, for—

''(I) at least 3 of the 5 years immediately preceding the date on which the Immigration Reform Act of 2004 was introduced; and

''(II) at least 1 year following the date of enactment of such Act.

''(ii) EXCEPTIONS.—The employment requirements in clause (i) shall not apply to an individual who is under 20 years of age on the date of introduction of the Immigration Reform Act of 2004, and the employment requirement in clause (i)(II) shall be reduced for an individual who cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy.

''(iii) PORTABILITY.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

''(iv) EVIDENCE OF EMPLOYMENT.—

''(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

''(aa) Records maintained by the Social Security Administration.

''(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

''(cc) Records maintained by the Internal Revenue Service.

''(dd) Records maintained by a union or day labor center.

''(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

''(II) OTHER DOCUMENTS.—Aliens unable to submit documents described in subclause (I) shall submit at least 3 other types of reliable documents, including sworn declarations, for each period of employment to satisfy the requirement in clause (i).

''(III) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in clause (i) be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

''(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i). An alien may satisfy such burden of proof by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. Once the burden is met, the burden shall shift to the Secretary of Homeland Security to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

''(E) PAYMENT OF INCOME TAXES.—Not later than the date on which status is adjusted under this subsection, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been met; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(F) BASIC CITIZENSHIP SKILLS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

''(I) meets the requirements of section 312(a) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or

''(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and government of the United States.

''(ii) EXCEPTIONS.—

''(I) MANDATORY.—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

''(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

''(G) SECURITY AND LAW ENFORCEMENT CLEARANCES.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

''(H) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), that such alien has registered under that Act.

''(2) SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—

''(i) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

''(I) the spouse, or child who was under 21 years of age on the date of enactment of the Immigration Reform Act of 2004, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

''(II) an alien who, within 5 years preceding the date of enactment of the Immigration Reform Act of 2004, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

''(aa) the termination of the qualifying relationship was connected to domestic violence; or

''(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

''(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

''(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

''(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

''(3) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

''(b) GROUNDS OF INADMISSIBILITY.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following shall apply:

''(A) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Secretary of Homeland Security under subparagraph (C)(i) of this subsection:

''(i) Paragraph (1) (relating to health).

''(ii) Paragraph (2) (relating to criminals).

''(iii) Paragraph (3) (relating to security and related grounds).

''(iv) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

''(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

''(C) WAIVER OF OTHER GROUNDS.—

''(i) IN GENERAL.—Except as provided in subparagraph (A), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

''(ii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the

authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

''(D) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

''(E) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

''(F) APPLICABILITY OF OTHER PROVISIONS.—Section 241(a)(5) and section 240B(d) shall not apply with respect to an alien who is applying for adjustment of status under subsection (a).

''(c) TREATMENT OF APPLICANTS.—

''(1) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

''(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

''(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

''(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

''(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

''(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant document of authorization that meets all current requirements established by the Secretary of Homeland Security for travel documents and reflects the benefits and status set forth in subparagraphs (A) through (D) of paragraph (1).

''(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

''(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

''(d) APPREHENSION BEFORE APPLICATION PERIOD.— The Secretary of Homeland Security shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a) and who can establish prima facie eligibility to have the alien's status adjusted under that subsection (but for the fact that the alien may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 180 days of the application period to complete the filing of an application for adjustment, the alien may not be removed from the United States unless the alien is removed on the basis that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

''(e) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

''(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

''(B) make any publication through which the information furnished by any particular applicant can be identified; or

''(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

''(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

''(f) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person to—

''(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

''(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

''(g) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

''(h) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—

''(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

''(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

''(i) APPLICATION OF OTHER IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

''(j) ADMINISTRATIVE AND JUDICIAL REVIEW.—

''(1) IN GENERAL.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

''(2) ADMINISTRATIVE REVIEW.—

''(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

''(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

''(3) JUDICIAL REVIEW.—

''(A) DIRECT REVIEW.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

''(B) REVIEW AFTER REMOVAL PROCEEDINGS.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

''(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can

establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

''(4) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

''(k) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

''(l) EMPLOYER PROTECTIONS.—

''(1) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

''(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

''(3) APPLICABILITY OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

''(m) AUTHORIZATION OF FUNDS; FINES.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security such sums as are necessary to commence the processing of applications filed under this section.

''(2) FINE.—An alien who files an application under this section shall pay a fine commensurate with levels charged by the Department of Homeland Security for other applications for adjustment of status.

''(3) ADDITIONAL AMOUNTS OWED.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $1,000, but such amount shall not be required from an alien under the age of 18.

''(4) USE OF AMOUNTS COLLECTED.—The Secretary of Homeland Security shall deposit payments received under this subsection in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

''(A) 60 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

''(B) 40 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover administrative and other expenses incurred in connection with the review of applications filed by immediate relatives as a result of the amendments made by title I of the Immigration Reform Act of 2004.

''(n) TRANSITIONAL WORKERS.—

''(1) ELIGIBILITY FOR TRANSITIONAL WORKER STATUS.—Any alien who is physically present in the United States on the date of introduction of the Immigration Reform Act of 2004 who seeks to adjust status under this section but does not satisfy the requirements of subparagraph (B) or (D) of subsection (a)(1) shall be eligible—

''(A) to apply for transitional worker status, which shall have a duration period of not more than 3 years from the date of issuance of the transitional worker card, without having to depart the United States; and

''(B) be granted employment authorization and permission to travel abroad for a period of not more than 3 years from the date of issuance of the transitional worker card.

''(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall issue each alien described in paragraph (1) with a counterfeit-resistant document of authorization that meets all requirements established by the Secretary of Homeland Security for travel documents and reflects the benefits and status set forth in paragraph (1)(B).

''(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien described in paragraph (1) is granted employment authorization or permission to travel abroad, such alien shall be required to undergo a name check against existing databases for information relating to criminal, security, and other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed as expeditiously as possible.

''(4) ELIGIBILITY FOR ADJUSTMENT OF STATUS.—An alien shall be eligible for adjustment of status to that of a lawful permanent resident under this subsection if the alien—

''(A) has applied for transitional worker status under paragraph (1);

''(B) is lawfully employed in the United States in the aggregate for—

''(i) more than 2 but less than 3 of the 5 years immediately preceding the date on which the Immigration Reform Act of 2004 was introduced; and

''(ii) at least 2 years following the date of enactment of that Act; and

''(C) was present in the United States on and after the date of introduction of that Act (without regard to any brief, casual, and innocent departures from the United States).

''(5) EXCEPTIONS.—The employment requirements in paragraph (4)(B) shall not apply to an individual who is under 20 years of age on the date on which the Immigration Reform Act of 2004 was introduced, and the employment requirement in paragraph (4)(B)(ii) shall be reduced for an individual who cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy.

''(6) PORTABILITY.—An alien shall not be required to complete the employment requirements in paragraph (4) with the same employer.

''(7) ADJUSTMENT OF STATUS.—An alien who meets the requirements of paragraph (4) and applies for adjustment of status to that of a lawful permanent resident under this subsection shall be required to comply with the requirements of subparagraphs (C), (E), (F), (G), and (H) of subsection (a)(1). In adjudicating such an application, the Secretary of Homeland Security shall determine the admissibility of the alien in accordance with subsection (b).

''(8) SPOUSES AND CHILDREN.—

''(A) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subsection (b), adjust the status to that of a lawful permanent resident or provide an immigrant visa to—

''(i) the spouse or child of an alien who adjusts status or is eligible to adjust status to that of a lawful permanent resident under this subsection; or

''(ii) an alien who was the spouse or child of an alien who adjusts status to that of a lawful permanent resident under this subsection, if—

''(I) the termination of the qualifying relationship was connected to domestic violence; or

''(II) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status to that of a lawful permanent resident under this subsection.

''(B) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall issue each alien described in subparagraph (A) with a counterfeit-resistant document of authorization that meets all requirements established by the Secretary of Homeland Security for travel documents and reflects the status set forth in that subparagraph.

''(C) APPLICATION OF OTHER LAW.—In acting on applications filed under this subsection with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

''(9) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted legal permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

''(10) TERMINATION OF AUTHORITY.—No action may be taken under this subsection in the case of an alien who submits an application for transitional worker status under paragraph (1) more than 3 years after the date on which final regulations implementing this section take effect.

''(o) ISSUANCE OF REGULATIONS.—Not later than 120 days after the date of enactment of the Immigration Act of 2004, the Secretary of Homeland Security shall issue regulations to implement this section.''.

(b) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

''245B. Access to Earned Adjustment.''.

SEC. 302. CORRECTION OF SOCIAL SECURITY RECORDS.

Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end of clause (ii);

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) whose status is adjusted to that of lawful permanent resident under section 245B of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.

By Mr. HAGEL:

S. 2011. A bill to convert certain temporary Federal district judgeships to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

Mr. HAGEL. Mr. President, 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. 2011

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

SECTION 1. CONVERSION OF TEMPORARY JUDGESHIPS TO PERMANENT JUDGESHIPS.

(a) IN GENERAL.—The existing judgeships for the eastern district of California, the district of Hawaii, the district of Kansas, the eastern district of Missouri, and the district of Nebraska authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the date of enactment of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table contained in section 133(a) of title 28, United States Code, is amended by—

(1) striking the item relating to California and insert the following:

''California:
Northern 14
Eastern 7
Central 27
Southern ..... 13'';

(2) striking the item relating to Hawaii and inserting the following:

''Hawaii ..... 4'';

(3) striking the item relating to Kansas and inserting the following:

''Kansas ..... 6'';

(4) striking the item relating to the eastern district of Missouri and inserting the following:

''Missouri:
Eastern 7
Western 5
Eastern and Western ..... 2'';

and

(5) striking the item relating to Nebraska and inserting the following:

''Nebraska ..... 4''.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. KOHL):

S. 2013. A bill to amend section 119 of title 17, United States Code, to extend satellite home viewer provisions; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce with my friend and colleague from Vermont, Senator LEAHY, the Satellite Home Viewer Extension Act of 2004. We are pleased to be joined in this effort by Senators DEWINE and KOHL.

S. 2013 provides for a five-year extension of the statutory license for satellite carriers to make secondary transmissions of ''distant'' network and superstation television programs, which is set forth in section 119 of the Copyright Act.

The current section 119 license permits satellite carriers to provide subscribers that reside in unserved households with network programming from distant television markets. This section is set to expire at the end of 2004. The extension of this statutory license for an additional five years would continue to serve the many interests that the section 119 license seeks to advance. Most importantly, it assures that television viewers incapable of receiving local network stations off the air retain access to network programming via satellite. This is particularly important for viewers who live in rural areas and may be unserved by either local stations or cable carriers. Indeed, many of my constituents in Utah depend on satellite systems for their television reception. This statutory license also enables the satellite home delivery industry to effectively compete with cable companies, which have long enjoyed a statutory license of their own.

The limited extension also recognizes, however, that satellite carriers are still in the process of making local signals available to their subscribers, an important development for viewers and local broadcasters, as well as for the satellite carriers themselves. The Satellite Home Viewer Improvement Act of 1999, which I was proud to help draft, authorized for the first time the retransmission of local signals to satellite subscribers residing in those local markets. The roll-out of ''local-into-local'' service by satellite carriers continues at a substantial rate, giving subscribers more choices than ever and further strengthening the competition between cable and satellite carriers. In light of these continuing changes, an additional extension of the Section 119 license is warranted pending further developments in this area.

I recognize that there are likely to be other issues relating to the section 119 license that warrant consideration in connection with this reauthorization. I look forward to working with my colleagues and hearing from the interested parties on those matters in the coming months.

Mr. LEAHY. Mr. President, today I am pleased to join Senator HATCH, as well as Senators KOHL and DEWINE, in sponsoring the Satellite Home Viewer Extension Act. The Satellite Home Viewer Improvement Act, which we passed in 1999, established a statutory license for satellite carriers to make secondary transmission of ''distant'' network and superstation television programs. That license will expire this year, however, so today's bill will extend that license, found in section 119 of the Copyright Act, for 5 years in order to ensure that the laudable goals of the initial bill are fully realized.

The Satellite Home Viewer Improvement Act was the result of much work in the Senate Judiciary Committee, and it enjoyed strong bipartisan support in both Houses of Congress. The license created in section 119 serves a very worthwhile purpose: it permits households that cannot receive local network programming over-the-air to receive those shows by satellite. For the many viewers who are not served by local networks or cable companies—which is the case for a great many people in the rural areas of my home State of Vermont—this is absolutely critical. Of special importance is the fact that the Satellite Home Viewer Improvement Act permits the satellite transmission of ''local-into-local'' programming, so that satellite companies can retransmit local broadcast signals to subscribers who actually live in the local market, but cannot receive the broadcast signal. Providing the news and local interest programming that is so vital to the creation and maintenance of a healthy and involved community has been the most gratifying result of the passage of that act. Furthermore, this license enhances competition by placing providers of satellite television programming on an equal footing with cable operators, which enjoy the benefits of their own statutory licenses.

Such important progress does take time, however, and the satellite carriers have not yet made these local signals available to all their subscribers. Although the provision of ''local-into-local'' programming is proceeding well, and although competition between cable and satellite companies has been strengthened, there is still more to be done before the goal of the Satellite Home Viewer Improvement Act is fully realized. If we fail to reauthorize the section 119 license, satellite programming may be unavailable as a real choice for many households, and many rural viewers will have little or no programming at all.

I look forward to working again with my colleagues on this important issue and to a speedy reauthorization of this important license.

By Ms. CANTWELL (for herself, Mrs. CLINTON, Mr. JEFFORDS, and Mr. FEINGOLD):

S. 2014. A bill to amend the Federal Power Act to establish reliability standards; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. FEINGOLD, and Mr. JEFFORDS):

S. 2015. A bill to prohibit energy market manipulation; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce 2 pieces of electricity legislation—simple, commonsense bills that enjoy the bipartisan support of a majority of United States Senators.

First, I am pleased to introduce with my colleagues Senators CLINTON, JEFFORDS and FEINGOLD the Electric Reliability Act of 2004. This legislation would give the Federal Energy Regulatory Commission (FERC) authority to devise a system of mandatory and enforceable standards for the reliable operation of our nation's electricity grid.

My distinguished friends from Wisconsin and Vermont, Senators FEINGOLD and JEFFORDS, and I are also

today introducing a second bill: the Electricity Needs Rules and Oversight Now (ENRON) Act, which would put in place a blanket ban on manipulative practices in our nation's electricity markets.

Enactment of these bills is long overdue. And in both cases, their provisions have passed the United States Senate within the past eight months. They represent crucial steps forward in the effort to modernize our nation's electricity grid and reform the rules by which it is operated.

Quite simply, these provisions are too important to be held captive to the majority's effort to pass H.R. 6— the energy bill conference report. Resembling a patchwork quilt of special interest hand-outs—rather than a policy that would help this nation achieve energy independence—H.R. 6 capsized under its own pork-laden weight on this very floor, a mere two months ago.

Rather than holding good energy policy hostage for the bad—as those who seek to resurrect that 1,700-page legislative monstrosity have said they intend—I believe this body can and must make necessary progress in upgrading our electricity grid and protecting our nation's consumers. That's what the two bills I'm introducing today are intended to do.

As surely my colleagues recall, much of the Northeast and Midwest last August suffered a massive power outage, affecting 50 million consumers from New York to Michigan. Clearly, the biggest blackout in our nation's history has underscored the need for mandatory and enforceable reliability standards—as envisioned in the Electric Reliability Act of 2004. To date, the system has operated under a set of voluntary guidelines, with no concrete penalties for those who break the rules and jeopardize the reliable energy service that is the foundation of our nation's economy.

While the August 2003 blackout was certainly a potent reminder, the call for reliability legislation dates back at least another five years. In 1997, both a Task Force established by the Clinton Administration's Department of Energy and a blue ribbon panel formed by the North American Electric Reliability Council (NERC) determined that reliability rules for our nation's electric system had to be made mandatory and enforceable.

These conclusions resulted, in part, from an August 1996 blackout in the Western Interconnection, where the short-circuit of two overloaded transmission lines near Portland, Oregon, caused a sweeping outage that knocked out power for up to 16 hours in ten states. The blackout affected 7.5 million consumers from Idaho to California, resulting in the automatic shutdown of 15 large thermal nuclear generating plants in California and the southwest—compromising the West's energy supply for several days, even after power had mostly been restored to end-users.

As outlined in Economic Impacts of Infrastructure Failures, a 1997 report submitted to the President's Commission on Critical Infrastructure Protection, the blackout was estimated to exact between $1 billion and $4 billion in direct and indirect costs to utilities, industry and consumers. The report also detailed the risks the outage posed to public health and safety, including an exponential increase in traffic accidents, hospitals forced to rely on emergency back-up power generation, and the grounding of more than 2,000 airline passengers.

While it took time to develop consensus, the Senate recognized the human and economic stakes associated with the reliable operation of the electricity grid. Stand-alone legislation very similar to what I've introduced today passed this body in June 2000, when this chamber was under Republican control. And even as the majority has twice changed hands since then, the United States Senate has twice passed the very provisions included in the Electric Reliability Act of 2004 as part of comprehensive energy legislation—most recently, this past summer.

Likewise, the Senate has previously passed the provisions contained in the ENRON Act, which Senator FEINGOLD and I are introducing today. Offered under the agreement that last July cleared the way for Senate Leadership to replace the then-pending Republican energy bill with the 107th Congress' Daschle-Bingaman legislation, the ENRON Act was adopted as an amendment to the Senate's Fiscal Year 2004 Agriculture Appropriations bill, on a strong, bipartisan vote of 57–40.

The ENRON Act is simple in concept. In the face of overwhelming evidence that Enron and other unscrupulous energy companies brazenly manipulated western energy markets during the crisis of 2000–2001, it would amend the Federal Power Act to put in place a blanket ban on such activities.

It has been estimated that the western energy crisis cost the region's consumers and businesses $35 billion in domestic economic product—in other words, a 1.5 percent decline in productivity and a total loss of 589,000 jobs. After experiencing a devastating blow that exacerbated the already-crippling national recession, consumers in my state—who continue to pay the price for the unethical gamesmanship of these companies—know that our economy simply cannot abide another Enron.

Thus, the ENRON Act is based on language included in the Securities Exchange Act—in existence since 1934. This bill would make it illegal for any company to "use or employ . . . any manipulative or deceptive device or contrivance" to circumvent FERC rules and regulations on market manipulation. Further, it would specify that electricity rates resulting from manipulative practices are simply not lawful. In other words, when companies are known to have gouged consumers—in some cases, even admitting as much—those same consumers should not be stuck with the inflated energy bills that result.

As Congress and various Federal agencies have over the past few years sought to piece together the events that led to the western energy crisis—the most devastating energy market meltdown in our Nation's history—a number of agencies and officials have weighed in on the issue of market manipulation. In addition to simple common sense, their statements underscore the need for the ENRON Act. For example: FERC in March 2003 issued its Final Report on Price Manipulation in Western Markets. The voluminous FERC report found that: "Enron's corporate culture fostered a disregard for the American energy customer; the success of the company's trading strategies, while temporary, demonstrates the need for explicit prohibitions on harmful and fraudulent market behavior and for aggressive market monitoring and enforcement." The General Accounting Office (GAO) in August 2003 issued a report entitled Additional Actions Would Help Ensure that FERC's Oversight and Enforcement Capability is Comprehensive and Systematic. Among GAO's observations: "The heads of [FERC's] market monitoring units told us they recognize the difficulty of defining just and reasonable prices. They also said that they believe FERC has made some progress in doing so. However, they generally believed that FERC had not yet gone far enough." GAO further concluded that: "we recommend that the Chairman of FERC more clearly define [the Commissions] role in overseeing the Nation's energy markets by . . . explicitly [describing FERC's] activities relative to carrying out the agency's statutory requirements to ensure just and reasonable prices and to preventing market manipulation." Republican FERC Commissioner Joe Kelliher wrote the following in a November 5 letter to me, just prior to his confirmation: "Markets subject to manipulation cannot operate properly and there is an urgent need to proscribe manipulation of electricity markets. You have correctly noted there is no express prohibition of market manipulation in the Federal Power Act and have proposed legislation to establish an express prohibition. This is a critical point. The Federal Energy Regulatory Commission only has the tools that Congress chooses to give it, and Congress has never given the Commission express authority to prohibit market manipulation. I believe the time has come for Congress to take that step." In the same letter, Kelliher goes on to note that, "This is not to say that the Commission cannot take steps to prevent market manipulation under its existing legal authority . . . Since there would likely be legal challenges to any such effort to proscribe manipulative practices, it would be helpful for Congress to give the Commissioner clear

authority to prohibit market manipulation . . . I support the goals of your amendment'' [to the Agriculture Appropriations bill, which contains the same provisions as the ENRON Act] ''and believe it would go far towards effectively prohibiting manipulation of electricity markets.''

Recent events have clearly demonstrated the need for both the Electric Reliability Act of 2004, as well as the ENRON Act. On the other hand, the case is far less compelling for many of the provisions found in the H.R. 6 conference report. It's not just unpersuasive to argue that a 21st Century energy policy must include: liability protections for manufacturers of the groundwater pollutant MTBE; the weakening of landmark environmental laws such as the Clean Air, Clean Water and Safe Drinking Water Acts; and billions of dollars worth of subsidies, most infamously, taxpayer-backed bonds for construction of an energy efficient mall including a Hooters restaurant, it's absurd.

When the Senate last July agreed to send a comprehensive energy bill to conference with the House, few anticipated that we would get back a grab-bag of corporate give-aways so bloated that editorial pages from every corner of this Nation, from Yakima to Pensacola; Texarkana to Honolulu, would call on this body to put H.R. 6 out of its misery. Nor did many of us believe that common-sense legislation such as the ENRON Act—with broad, bipartisan support in the Senate—would be so quickly jettisoned by the conference report's authors.

Make no mistake: many of us in this chamber emphatically believe that we need an energy policy that will liberate this country from its dangerous dependence on foreign sources of oil and position our businesses to compete in the emerging global market for clean energy technologies. But to paraphrase my distinguished colleague from Vermont, Senator JEFFORDS, who has been a great leader on these issues, this Nation needs an energy bill, but certainly not this energy bill.

So today, we are introducing the Electric Reliability Act of 2004 and the ENRON Act, because it's time for this body to put the public interest ahead of the special interests poised to profit so handsomely from the passage of the energy bill conference report. We should take up and pass these individual pieces of legislation, which would mark a substantial achievement in the effort to upgrade the reliability of our Nation's grid and insulate our economy from the disastrous impacts of latter-day Enrons.

In last night's State of the Union speech, President Bush observed that ''consumers and businesses need reliable supplies of energy to make our economy run.'' I could not agree more. He also urged Congress to ''pass legislation to modernize our electricity system, promote conservation, and make America less dependent on foreign sources of energy.'' Nowhere in his address did President Bush mention tax breaks for Hooters; I did not hear him invoke rollback of environmental laws on behalf of polluters; nor did he cite the need to put in place protections for corporate looters such as Enron—all those provisions that have become the hallmark of the energy bill conference report.

So I ask my colleagues to recognize that we can make measurable progress this year on the objectives the President has outlined. But that will happen not by holding good energy policy hostage for bad energy policy, as the authors of H.R. 6 would have it. Rather, it will happen when we agree to set aside the H.R. 6 conference report and pass common-sense, consensus-based energy policy. And both the Electric Reliability and ENRON Acts fit this description.

I ask my colleagues to support these bills.

Mrs. CLINTON. Mr. President, I am pleased to join Senators CANTWELL, JEFFORDS and FEINGOLD in introducing legislation that would create mandatory, enforceable reliability standards for our electricity system.

Last week was the five month anniversary of the worst blackout in the history of New York, and, indeed, the history of America. Congress has yet to pass electricity reliability legislation that would help ensure the blackout never happens again. There is strong support for this legislation, which has passed the Senate twice before as part of the energy bill. But with the energy bill stalled, we simply cannot afford to wait any longer to move on reliability standards.

The blackout had a tremendous impact on New Yorkers and on the economy. Some experts put the costs to New York at more than $1 billion dollars and the costs nationwide at more than $6 billion.

In November, the Electric System Working Group of the United States-Canadian task force on the blackout released its draft report on the causes of the blackout. Among the report's findings was that the North American Electric Reliability Council's (NERC) voluntary reliability standards were violated at least six times during the series of events that led to the cascading blackout. This finding reinforced the need for swift enactment of mandatory, enforceable electricity reliability standards. We clearly need a system that provides real accountability for failure.

New Yorkers, and all Americans, are relying on Congress to help prevent another blackout. Congress needs to move swiftly on legislation in this area so that rules can be put in place before this summer. I urge my colleagues to support this important legislation.

Mr. JEFFORDS. Mr. President, I am pleased to be joining the Senator from Washington, Ms. CANTWELL, and the Senator from New York, Mrs. CLINTON, as an original cosponsor of legislation to ensure the reliable delivery of electric power in the United States. This bill is similar to Title I of the S. 1754, the Electric Reliability Security Act of 2003, that I introduced last October in response to the Northeast blackout.

Last night, in his State of the Union, the President urged Congress to pass legislation to modernize our electricity system, promote conservation, and make America less dependent on foreign sources of energy. This bill, the Electric Reliability Act of 2004, addresses the President's request, and the Senate should pass it expeditiously. Our country needs the new, clear national rules of the road contained in this bill to ensure the reliable delivery of electric power.

As the people in the Northeast will not soon forget, in August 2003 nearly 50 million people were affected by a massive power outage. But this is not an isolated incident. On January 16, 2004, Gov. James Douglas urged Vermonters to save power to help avert rolling blackouts because of electricity problems in southern New England. Though there was likely enough power to meet my State's demand, but we are part of a regional grid system. This system, as we learned last year, needs to operate in a coordinated fashion or the region faces blackouts.

The Senator from New York, Mrs. CLINTON, whose State was so significantly affected during the Northeast blackouts, knows well the hardship long electricity outages cause. I am pleased that she and the Senator from Washington, Ms. CANTWELL, have joined in this effort. The Senator from Washington, Ms. CANTWELL, has been alerted to the need for reliability legislation well before last year, as her State suffered during the massive multi-state Western blackout of 1996.

Be it 1996, 2003 or last week, these events emphasize the vulnerability of the U.S. electricity grid to human error, mechanical failure, and weather-related outages. Congress needs to do all that is necessary to protect the grid from devastating interruptions in the future. Those who know this issue well, say that reliability legislation is essential. On the first day of this year, Michehl Gent, President and Chief Executive of the North American Electric Reliability Council, said in the New York Times that all of the actions taken by industry and oversight organizations to respond to the Northeast blackout do ''not reduce the need for Federal legislation that would provide authority to impose and enforce mandatory reliability standards.'' He continues, ''whether legislation is adopted on a stand-alone basis or as part of a comprehensive energy bill, passage is essential. If reliability legislation had been enacted when first proposed, I believe that the blackout would not have occurred.''

Given that Congress has not passed grid reliability legislation, the Federal Energy Regulatory Commission decided during its December 17, 2003 open

meeting to have its staff develop an order over the next few weeks requiring utilities and other jurisdictional entities to report violations of voluntary reliability standards set by the North American Electric Reliability Council. The Commission also asked for comment on its legal authority under existing statutes to mandate compliance with those standards.

Why is Congress making FERC waste time trying to determine whether they have the legal authority to act to protect consumers and ensure electric reliability? We should simply make that statutory authority clear. Reliability legislation has passed the Senate twice, and this bill asks the Senate to act on those same provisions again. Congress should establish mandatory reliability standards and close other regulatory gaps left by state deregulation of the electricity sector. We should pass this bill now, and I pledge my support to the Senators from Washington and New York, Senators CANTWELL and CLINTON in doing so. Given the high costs of power outages to our country, we cannot afford to do otherwise. I invite my colleagues to join us in our efforts to advance energy security and reliability in the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 285—RECOGNIZING 2004 AS THE ''50TH ANNIVERSARY OF ROCK 'N' ROLL

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 285

Whereas Elvis Presley recorded ''That's All Right'' at Sam Phillips' Sun Records in Memphis, Tennessee, on July 5, 1954;

Whereas Elvis' recording of ''That's All Right'', with Bill Black on bass and Scotty Moore on guitar, paved the way for such subsequent Sun Studio hits as Carl Perkins' ''Blue Suede Shoes'' (1955), Roy Orbison's ''Ooby Dooby'' (1956), and Jerry Lee Lewis' ''Whole Lotta Shakin'' (1957)—catapulting Sun Studio to the forefront of a musical revolution;

Whereas the recording in Memphis of the first rock 'n' roll song came to define an era and forever change popular music;

Whereas the birth of rock 'n' roll was the convergence of the diverse cultures and musical styles of the United States, blending the blues with country, gospel, jazz, and soul music;

Whereas the year 2004 provides an appropriate opportunity for our nation to celebrate the birth of rock 'n' roll, and the many streams of music that converged in Memphis to create a truly American sound known throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes 2004 as the 50th Anniversary of rock 'n' roll;

(2) commemorates Sun Studio for recording the first rock 'n' roll record, ''That's All Right''; and

(3) expresses appreciation to Memphis for its contributions to America's music heritage.

SENATE RESOLUTION 286—TO AUTHORIZE LEGAL REPRESENTATION IN UNITED STATES OF AMERICA V. PARVIS KARIM-PANAHI

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 286

Whereas, in the case of United states of America v. Parviz Karim-Panahi, Crim. No. M–8374–03, pending in the Superior Court of the District of Columbia, the defendant has attempted to serve subpoenas for testimony and documents upon Senators Daniel K. Akaka, Wayne Allard, Evan Bayh, Joseph R. Biden, Robert C. Byrd, Hillary Rodham Clinton, Susan M. Collins, Mark Dayton, Elizabeth Dole, John Ensign, Lindsey O. Graham, James M. Inhofe, Edward M. Kennedy, Carl Levin, Richard G. Lugar, John McCain, Bill Nelson, E. Benjamin Nelson, Mark Pryor, Jack Reed, Pat Roberts, Jeff Sessions, James M. Talent, and John W. Warner, and on Senate employees Judith A. Ansley, Staff Director of the Committee on Armed Services, Scott W. Stucky, General Counsel to the Committee on Armed Services, June M. Borawski, Printing and Document Clerk of the Committee on Armed Services, Paul F. Clayman, Chief Counsel of the Committee on Foreign Relations, and Susan Oursler, Chief Clerk of the Committee on Foreign Relations; and,

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the above-listed Senators and Senate employees who are the subject of subpoenas and any other Member, officer, or employee who may be subpoenaed in this case.

SENATE RESOLUTION 287—COMMENDING THE SOUTHERN UNIVERSITY AND A&M COLLEGE OF BATON ROUGE JAGUARS FOR BEING THE SHERIDAN BROADCASTING NATIONAL BLACK COLLEGE CHAMPIONS, THE AMERICAN SPORTS WIRE NATIONAL BLACK COLLEGE CHAMPIONS, AND THE MBC/BCSP NATIONAL BLACK COLLEGE CHAMPIONS

Ms. LANDRIEU (for herself and Mr. BREAUX) submitted the following resolution; which was considered and agreed to

S. RES. 287

Whereas the Jaguars, the football team of the Southern University and A&M College of Baton Rouge, finished the 2003 season with 12 wins and was voted number 1 in the final Sheridan Broadcasting National Black College Football Poll for the second time under Head Coach Pete Richardson;

Whereas the Jaguars won the Southwestern Athletic Conference Championship, defeating Alabama State by a score of 20–9 at Legion Field in Birmingham, Alabama on December 13, 2003;

Whereas the Jaguars won the Southwestern Athletic Conference Western Division Championship, defeating Grambling State University by a score of 44–41 in the 30th Annual Bayou Classic in the Louisiana Superdome on November 29, 2003;

Whereas 4 Jaguar players were selected to the Sheridan Broadcasting National Black College All-American Team: Quincy Richard, Arnold Sims, Miniya Smith, and Lenny Williams;

Whereas Jaguar quarterback Quincy Richard was named the Sheridan Broadcasting National / Doug Williams Offensive Player of the Year and finished with 3,270 yards passing and 31 touchdowns;

Whereas the Jaguar Head Coach Pete Richardson was named Sheridan Broadcasting National Sports Coach of the Year; and

Whereas the Jaguars accounted for 5,486 total yards on offense and 63 touchdowns: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Jaguars for winning the Sheridan Broadcasting National Black College Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the Jaguars during the 2003 season and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to the Southern University and A&M College of Baton Rouge for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2003 Jaguars.

SENATE RESOLUTION 288—COMMENDING THE LOUISIANA STATE UNIVERSITY TIGERS FOOTBALL TEAM FOR WINNING THE 2003 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas the Louisiana State University Tigers football team won the 2003 Bowl Championship Series national championship game, defeating Oklahoma University by a score of 21 to 14 in the Nokia Sugar Bowl at the Louisiana Superdome in New Orleans, Louisiana on January 4, 2004;

Whereas the Louisiana State University football team won the Southeastern Conference Championship, defeating the University of Georgia by a score of 34 to 13 in the Southeastern Conference championship game at the Georgia Dome in Atlanta, Georgia on December 6, 2003;

Whereas the Louisiana State University football team won 13 games during the 2003 season, more games than in any other season in school history;

Whereas the Louisiana State University football team won 5 games against nationally ranked opponents;

Whereas the Louisiana State University football team set 8 school records;

Whereas the Louisiana State University football team led the Nation in total defense, allowing only 252 yards per game, and scoring defense, allowing only 1 team to score more than 20 points in any game during the season;

Whereas Louisiana State University football head coach Nick Saban was named the National Coach of the Year by the Associated Press and the Football Writers Association of America;

Whereas 4 players—Chad Lavalais, Corey Webster, Skyler Green, and Stephen Peterman—were named first-team All-Americans;

Whereas offensive tackle Rodney Reed was named a National Scholar-Athlete by the National Football Foundation and was named first-team Academic All-American;

Whereas quarterback Matt Mauck threw 28 touchdown passes during the 2003 season, a Louisiana State University single season record, and was named second-team Academic All-American; and

Whereas running back Justin Vincent was named most valuable player of the Southeastern Conference championship game and the Nokia Sugar Bowl: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping Louisiana State University during the 2003 season; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to Louisiana State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2003 Louisiana State University football team.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on January 27, 2004, in SD–106, at 9:30 a.m. The purpose of this hearing will be to examine the current situation regarding the discovery of a case of bovine spongiform encephalopathy in a dairy cow in Washington State as it relates to food safety, livestock marketing, and international trade.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 21, 2003, at 9 a.m., to hold a hearing on North Korea.

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

AUTHORIZING LEGAL REPRESENTATION

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 286 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 286) to authorize legal representation in the United States of America v. Parviz Karim-Panahi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, this resolution concerns representation by the Senate legal counsel of twenty-two members and three employees of the Committee on Armed Services and the chairman and ranking member and two employees of the Committee on Foreign Relations, who have been subpoenaed to provide testimony and produce documents in a criminal trial by a defendant charged with disrupting proceedings at a hearing of the Senate Committee on Armed Services in September 2003. These subpoenas, which were issued by the defendant on his own behalf, are not well taken. As the testimony and documents sought by these subpoenas are either irrelevant or cumulative of the testimony and evidence that will be offered at trial from other sources, evidence from these Senators and Senate employees is unnecessary. Moreover, the testimony and documents sought by the subpoenas as privileged under the Speech or Debate Clause of the Constitution.

This resolution would authorize the Senate Legal Counsel to represent the Senators and staff who have been subpoenaed by the defendant, as well as any other Members, officers, or employees who may be subpoenaed, in order to quash the subpoenas and protect the privileges of the Senate.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 286

Whereas, in the case of United States of America v. Parviz Karim-Panahi, Crim. No. M–8374–03, pending in the Superior Court of the District of Columbia, the defendant has attempted to serve subpoenas for testimony and documents upon Senators Daniel K. Akaka, Wayne Allard, Evan Bayh, Joseph R. Biden, Robert C. Byrd, Hillary Rodham Clinton, Susan M. Collins, Mark Dayton, Elizabeth Dole, John Ensign, Lindsey O. Graham, James M. Inhofe, Edward M. Kennedy, Carl Levin, Richard G. Lugar, John McCain, Bill Nelson, E. Benjamin Nelson, Mark Pryor, Jack Reed, Pat Roberts, Jeff Sessions, James M. Talent, and John W. Warner, and on Senate employees Judith A. Ansley, Staff Director of the Committee on Armed Services, Scott W. Stucky, General Counsel to the Committee on Armed Services, June M. Borawski, Printing and Document Clerk of the Committee on Armed Services, Paul F. Clayman, Chief Counsel of the Committee on Foreign Relations, and Susan Oursler, Chief Clerk of the Committee on Foreign Relations; and,

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the above-listed Senators and Senate employees who are the subject of subpoenas and any other Member, officer, or employee who may be subpoenaed in this case.

COMMENDING SOUTHERN UNIVERSITY AND A&M COLLEGE OF BATON ROUGE JAGUARS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 287 introduced earlier today by Senators LANDRIEU and BREAUX.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 287) commending the Southern University and A&M College of Baton Rouge Jaguars for being the Sheridan Broadcasting National Black College Champions, the American Sports Wire National Black College Champions, and the MBC/BCSP National Black College Champions.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas the Jaguars, the football team of the Southern University and A&M College of Baton Rouge, finished the 2003 season with 12 wins and was voted number 1 in the final Sheridan Broadcasting National Black College Football Poll for the second time under Head Coach Pete Richardson;

Whereas the Jaguars won the Southwestern Athletic Conference Championship, defeating Alabama State by a score of 20–9 at Legion Field in Birmingham, Alabama on December 13, 2003;

Whereas the Jaguars won the Southwestern Athletic Conference Western Division Championship, defeating Grambling State University by a score of 44–41 in the 30th Annual Bayou Classic in the Louisiana Superdome on November 29, 2003;

Whereas 4 Jaguar players were selected to the Sheridan Broadcasting National Black College All-American Team: Quincy Richard, Arnold Sims, Miniya Smith, and Lenny Williams;

Whereas Jaguar quarterback Quincy Richard was named the Sheridan Broadcasting National / Doug Williams Offensive Player of the Year and finished with 3,270 yards passing and 31 touchdowns;

Whereas the Jaguar Head Coach Pete Richardson was named Sheridan Broadcasting National Sports Coach of the Year; and

Whereas the Jaguars accounted for 5,486 total yards on offense and 63 touchdowns: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Jaguars for winning the Sheridan Broadcasting National Black College Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the Jaguars during the 2003 season and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to the Southern University and A&M College of Baton Rouge for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2003 Jaguars.

Mr. REID. Madam President, I wanted to say, while my counterpart is on the floor, that we in the minority have appreciated the way Senators MCCONNELL and FRIST have handled legislation that has been on the floor. We don't agree as to what comes to the floor a lot of times, but the majority, with rare exception, has given us the opportunity, when a matter is brought up, to talk about it, offer amendments, and then give us reasonable time to determine if in fact cloture needs to be invoked on a bill. We appreciate that.

In the rush of things this year, we are going to go out of session on July 26 until the fall. We are going to be in a position of wanting to do things more quickly than we would ordinarily. I hope the majority will stick with what happened last year. I think it worked out well. I think our people felt that we were treated fairly, with some exceptions. There is going to be a tendency to push things more quickly this year and it will make things go even more slowly. In short, we have a lot of work to do. By following the Senate rules, I think we will get more done than not following the rules.

Mr. MCCONNELL. Madam President, let me say to the assistant Democratic leader that I thank him for his kind observations. I think he is absolutely correct. We have a very limited number of days this year upon which to accomplish anything. It is going to require a high level of bipartisan cooperation to advance measures that are essential to the country, which we all, for the most part, agree on—not to mention items that may be more contentious. I thank my friend.

COMMENDING THE LOUISIANA STATE UNIVERSITY FOOTBALL TEAM

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 288, a resolution submitted earlier today by Senator BREAUX.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 288) commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 288

Whereas the Louisiana State University Tigers football team won the 2003 Bowl Championship Series national championship game, defeating Oklahoma University by a score of 21 to 14 in the Nokia Sugar Bowl at the Louisiana Superdome in New Orleans, Louisiana on January 4, 2004;

Whereas the Louisiana State University football team won the Southeastern Conference Championship, defeating the University of Georgia by a score of 34 to 13 in the Southeastern Conference championship game at the Georgia Dome in Atlanta, Georgia on December 6, 2003;

Whereas the Louisiana State University football team won 13 games during the 2003 season, more games than in any other season in school history;

Whereas the Louisiana State University football team won 5 games against nationally ranked opponents;

Whereas the Louisiana State University football team set 8 school records;

Whereas the Louisiana State University football team led the Nation in total defense, allowing only 252 yards per game, and scoring defense, allowing only 1 team to score more than 20 points in any game during the season;

Whereas Louisiana State University football head coach Nick Saban was named the National Coach of the Year by the Associated Press and the Football Writers Association of America;

Whereas 4 players—Chad Lavalais, Corey Webster, Skyler Green, and Stephen Peterman—were named first-team All-Americans;

Whereas offensive tackle Rodney Reed was named a National Scholar-Athlete by the National Football Foundation and was named first-team Academic All-American;

Whereas quarterback Matt Mauck threw 28 touchdown passes during the 2003 season, a Louisiana State University single season record, and was named second-team Academic All-American; and

Whereas running back Justin Vincent was named most valuable player of the Southeastern Conference championship game and the Nokia Sugar Bowl: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping Louisiana State University during the 2003 season; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to Louisiana State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2003 Louisiana State University football team.

Mr. MCCONNELL. Madam President, for those of us who watched the game, LSU did indeed have an outstanding performance on that day. I know they are somewhat frustrated because they had to share the national title with USC, but it was a great day for the LSU Tigers by any count.

CONGRATULATING THE EAST BOYNTON BEACH, FLORIDA, LITTLE LEAGUE TEAM AS THE 2003 U.S. LITTLE LEAGUE CHAMPIONS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 273, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 273) recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (H. Con. Res. 273) was agreed to.

The preamble was agreed to.

MEASURE PLACED ON THE CALENDAR—S. 2006

Mr. MCCONNELL. Madam President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The bill will be read for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2006) to extend and expand the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes.

Mr. MCCONNELL. Madam President, I object to further proceedings on the measure at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–15

Mr. MCCONNELL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 21, 2004, by the President: Additional Protocol Amending Investment Treaty with Bulgaria, Treaty

Document No. 108–15. I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President reads as follows:

ADDITIONAL PROTOCOL AMENDING INVESTMENT TREATY WITH BULGARIA (TREATY DOC. 108–15)

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Additional Protocol Between the United States of America and the Republic of Bulgaria amending the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment of September 23, 1992, signed at Brussels on September 22, 2003. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Additional Protocol.

My Administration has already forwarded to the Senate a similar Additional Protocol for Romania and expects to forward to the Senate shortly Additional Protocols for the Czech Republic, Estonia, Latvia, Lithuania, Poland, and the Slovak Republic. Each of these Additional Protocols is the result of an understanding the United States reached with the European Commission and six countries that will join the European Union (EU) on May 1, 2004 (the Czech Republic, Estonia, Latvia, Lithuania, Poland, and the Slovak Republic), as well as with Bulgaria and Romania, which are expected to join the EU in 2007.

The understanding is designed to preserve U.S. bilateral investment treaties (BITs) with each of these countries after their accession to the EU by establishing a framework acceptable to the European Commission for avoiding or remedying present and possible future incompatibilities between their BIT obligations and their future obligations of EU membership. It expresses the U.S. intent to amend the U.S. BITS, including the BIT with Bulgaria, in order to eliminate incompatibilities between certain BIT obligations and EU law. It also establishes a framework for addressing any future incompatibilities that may arise as European Union authority in the area of investment expands in the future, and endorses the principle of protecting existing U.S. investments from any future EU measures that may restrict foreign investment in the EU.

The United States has long championed the benefits of an open investment climate, both at home and abroad. It is the policy of the United States to welcome market-driven foreign investment and to permit capital to flow freely to seek its highest return. This Additional Protocol preserves the U.S. BIT with Bulgaria, with which the United States has an expanding relationship, and the protections it affords U.S. investors even after Bulgaria joins the EU. Without it, the European Commission would likely require Bulgaria to terminate its U.S. BIT upon accession because of existing and possible future incompatibilities between our current BIT and EU law.

I recommend that the Senate consider this Additional Protocol as soon as possible, and give its advice and consent to ratification at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 21, 2004.*

ORDERS FOR THURSDAY, JANUARY 22, 2004

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, January 22. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the conference report to accompany H.R. 2673, the Omnibus appropriations measure, as provided under the previous order.

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

The Senator from Nevada.

Mr. REID. Madam President, we have a little mathematical problem we need to straighten out.

Mr. MCCONNELL. Madam President, I ask unanimous consent to modify the previous agreement to allow for 4½ hours of debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection. We told all our Members the vote will be at 2 o'clock.

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

Mr. MCCONNELL. Some of us are troubled when it comes to math around here, Madam President. We are pleased to have the correction noted.

PROGRAM

Mr. MCCONNELL. Madam President, for the information of all of our colleagues, tomorrow morning the Senate will resume debate on the conference report to accompany H.R. 2673, the Omnibus appropriations measure. Under the order, there will be 4½ hours for debate prior to the second cloture vote. I join with the majority leader in hoping cloture will be invoked tomorrow and that the Senate can then conclude action on this vital funding measure. Senators should, therefore, expect votes tomorrow afternoon, and all Members will be notified when those votes are scheduled.

I see the chairman of the Appropriations Committee sitting over there with a smile on his face at the prospect of completing our work for the current fiscal year.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Madam 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 5:37 p.m., adjourned until Thursday, January 22, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 21, 2004:

CORPORATION FOR PUBLIC BROADCASTING

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE WINTER D. HORTON, JR., TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GAY HART GAINES, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004, VICE RITAJEAN HARTUNG BUTTERWORTH, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA J. FISHER, RESIGNED.

CHARLES JOHNSON, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA MORRISON COMBS.

SOCIAL SECURITY ADMINISTRATION

BRADLEY D. BELT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, VICE STANFORD G. ROSS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BROADCASTING BOARD OF GOVERNORS

FAYZA VERONIQUE BOULAD RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006, VICE ROBERT M. LEDBETTER, JR., TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES POSTAL SERVICE

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE TIRSO DEL JUNCO, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOMELAND SECURITY

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, VICE THOMAS EHRLICH, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008, VICE CHRISTOPHER C. GALLAGHER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL COUNCIL ON THE ARTS

GERARD SCHWARZ, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2006, VICE EARL A. POWELL III, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

RONALD E. MEISBURG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL RELATIONS BOARD FOR THE TERM OF

FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RENE ACOSTA, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

ROBERT LERNER, OF MARYLAND, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009, VICE PASCAL D. FORGIONE, JR., TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RAYMOND SIMON, OF ARKANSAS, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, VICE SUSAN B. NEUMAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GEORGE T. LYNN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CONRAD W. PONDER JR., 0000

To be brigadier general

COL. GEORGE J. SMITH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DOUGLAS V. O'DELL JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM.(SELECTEE) ALBERT M. CALLAND III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES D. MCARTHUR JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 624, 531, AND 3064.

To be colonel

MARGOT KRAUSS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARK S. ACKERMAN, 0000
LISA ANDERSONLLOYD, 0000
LEO E. BOUCHER III, 0000
NATHANAEL P. CAUSEY, 0000
JOHN L. CLIFTON IV, 0000
ALAN L. COOK, 0000
PETER M. CULLEN, 0000
WILLIAM R. GADE, 0000
CHRISTOPHER M. GARCIA, 0000
SUSAN S. GIBSON, 0000
GREGORY A. GROSS, 0000
SCOTT L. KILGORE, 0000
DENISE R. LIND, 0000
SCOTT E. LIND, 0000
JACQUELINE R. LITTLE, 0000
KEVIN J. LUSTER, 0000
REYNOLD P. MASTERTON, 0000
ROBIN N. SWOPE, 0000
KELLY D. WHEATON, 0000
RICHARD M. WHITAKER, 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 lieutenant colonel

TIMOTHY G. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

IDA F. AGAMY, 0000
MELINDA A. COMFORT, 0000
JONATHAN A. KENT, 0000
GREGORY S. MATHERS, 0000
MATTHEW A. MYERS SR., 0000
KARY B. REED, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

DAVID J. KING JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

MICHAEL G. GRAY, 0000
PAUL M. SALTYSIAK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

TERRY R. MOREN, 0000
CHRISTOPHER WODARZ, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GERALD R. MANLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TODD E. BAILEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JENNIFER R. FLATHER, 0000
JANET G. GOLDSTEIN, 0000
KATHY E. GORDON, 0000
MARIE E. OLIVER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

WING LEONG, 0000
LINDA P NIEMEYER, 0000
PATRICK J VINCENT, 0000

To be lieutenant commander

KRISTINE E ALEXANDER, 0000
RICHARD A BONNETTE, 0000
MARK D BUTLER, 0000
VIOLETA N CRUZ, 0000
ROBERT J FITKIN, 0000
ETHAN C GIBSON, 0000
MICHAEL W GORE, 0000
BRIAN J CHALEY, 0000
ALAN M HANSEN, 0000
STEPHEN E HAZZARD, 0000
DWIGHT A HORN, 0000
RAYMOND J HOUK, 0000
ARNOLD S MCCOY, 0000
DANIEL E MCKAY, 0000
GABRIEL MENSAH, 0000
VINSON W MILLER, 0000
JAMES H PITTMAN, 0000
ROBERT A REARICK, 0000
JASON L RIGGS, 0000
GREG T SCHLUTER, 0000
JAMES D STAVRIDES, 0000
ERIC R TIMMENS, 0000
DONALD P TROAST, 0000
CHARLES AP TURNER, 0000
ANDREW A WADE, 0000
AARON D WERBEL, 0000
JIMMY WEST, 0000
TIMOTHY R WHITE, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on January 21, 2004, withdrawing from further Senate consideration the following nomination:

MARK C. BRICKELL, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A TERM OF FIVE YEARS, WHICH WAS SENT TO THE SENATE ON JUNE 12, 2003.

EXTENSIONS OF REMARKS

HONORING BERYLE R. READ

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Beryle R. Read, a resident of my Fifth Congressional District of Florida and a man who has become something very few of us ever will. In November of this year, Mr. Read will become a centenarian and at nearly 100, he is a father to one child, and a grandfather to three grandchildren.

Mr. Read was born in Nashville, TN, but went to school in Indiana, Illinois and Washington, DC. Following school, he worked for the government for 32½ years. He describes his happiest moment as going with his father to sell peaches in Indiana as a child. His favorite activities today are helping his wife cook, reading, and doing crossword puzzles.

Mr. Read says he likes living in Hernando County because it has a small town feel but a close proximity to valuable services and stores. When asked what advice he'd give to young people today he said, ''Avoid dirt, debt and the devil.'' He says the best thing about growing older is having 39 years of mental and physical health to enjoy retirement.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Beryle Read today. I hope we all have the good fortune to live as long as he has and the ability to enjoy it as he has. He is truly a great man and someone with an appreciation for the importance of hard work.

FRENCH BAN ON TURBANS IN SCHOOLS OPPOSED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. TOWNS. Mr. Speaker, the government of France has recently enacted a new policy prohibiting Sikh boys from wearing their turbans in school. They also prohibited Muslim girls from wearing the traditional head scarves in school.

This policy is a threat to religious expression in France. It limits the ability of religious minorities to express their religion in the way that they are supposed to express their religion.

Sikhs fought actively in both World Wars to help keep the French people free. They fought in their turbans in Africa and the Middle East in World War I and they fought in the liberation of France in World War II. Yet the French authorities see fit to deny them their full religious expression.

Recently, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, wrote an excellent letter to French President Jacques Chirac about this unreasonable policy. I am inserting it into the RECORD with the consent of the House and I urge my colleagues to read it.

COUNCIL OF KHALISTAN,
Washington, DC, January 19, 2004.

Hon. JACQUES CHIRAC,
President of France,
Champs Elysees, Paris, France

DEAR PRESIDENT CHIRAC: I am writing to you today on behalf of the Sikh community of France and the 25 million strong Sikh Nation around the world.

Recently, France has made laws prohibiting Muslim schoolgirls from wearing head scarves and Sikh boys from wearing their turbans.

The turban is a Sikh religious symbol. Sikhs are not allowed to remove their turbans. They are a major symbol of our religion. The Sikh Gurus commanded us to wear the turban at all times over unshorn hair, which is a gift from God. The Sikh religion is a sovereign, independent, monotheistic religion like Christianity. The Sikh religion requires every Sikh to wear five symbols. Unshorn hair is one of them.

As you know, Sikh soldiers wearing their turbans fought to defend France and defend its freedom during World War II. They also helped France and Britain to win World War I by fighting in Africa and the Middle East. We were proud to do so. Sikhs are commanded to fight against injustice wherever it appears. We believe in the freedom and equality of all people.

France is a secular, democratic republic. That implies a country that protects freedom of religious expression for all people. To force Sikhs to remove the turban is to destroy Sikhs' freedom of religious expression. That is neither secular, democratic, nor republican. It is simply the kind of system that Sikhs came to France and other countries to escape.

President Chirac, I encourage you to reconsider this ill-advised ban. Sikhs must be free to express our religion as fully as any other Frenchman.

Thank you for your time and attention.

Sincerely,

DR. GURMIT SINGH AULAKH.
President, Council of Khalistan.

TRIBUTE TO FRANK DOMINGUEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. BACA. Mr. Speaker, it is with a great sense of pride that I pay tribute today to the life of Frank Dominguez, a longtime leader in the Inland Empire. Frank passed away this month at the age of 64. He was a man of great integrity and character, and I join today with family and friends in honoring his memory and remarkable life.

To all those who knew Frank Dominguez, he was a hard-working, generous, compassionate man who was proud of his San Bernardino roots. His educational path took him through Burbank Elementary School, Colton Union High School, and San Bernardino Valley College. Following his graduation, he served our country proudly in the U.S. Army.

In 1964, Frank founded the Vanir Group of Companies, Inc. and proceeded to give back to the community that he so loved, including building the Vanir Tower, a San Bernardino landmark. His tremendous passion, pride, and selflessness led him to serve three terms on the state economic development commission and serve on the boards of the Goodwill Industries of the Inland Counties, the Mexican American Legal Defense and Educational Fund, and the Diocese of San Bernardino and Riverside Counties. He was revered and admired by friends and colleagues, leading to his selection as outstanding businessman of the year by the U.S. Hispanic Chamber of Commerce.

I join today with family and friends in paying tribute to Frank Dominguez, beloved husband, father, and friend. He is survived by his wonderful wife of 42 years, Gisela, his children Dorene, Richard, and Diane, and his three grandchildren. His kind deeds and gentle soul will be deeply missed by all.

HONORING DR. JOE SABOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today on behalf of Representative DOOLEY, Representative NUNES and myself to honor Dr. Joe Sabol on the occasion of his being distinguished as an Honorary Alumni Member of the California Agricultural Leadership Foundation's California Agricultural Leadership Program. This designation will be bestowed upon Mr. Sabol at the annual conference of this organization.

Selection for this distinction is reserved for ''special individuals who have, over a period of time, demonstrated consistent commitment and uncommon excellence in the furtherance of education and leadership in California agriculture.'' The mission of the California Agricultural Leadership Program is to enhance the long-term viability of California agriculture through leadership development, which in turn benefits the people and the communities that agriculture serves.

In 1963, Joe received his Bachelor of Arts degree in General Agriculture from California State University, Fresno. He obtained his M.Ed. in 1965 from University of California, Davis and his Ph.D. in 1976 from Colorado State University. Dr. Sabol came to Cal Poly San Luis Obispo in 1972 to teach Agricultural Education. He later became Associate Dean and the Dean of the College of Agriculture, as well as Project Director of the Costa Rica E.A.R.T.H. Project. He was named Director of Outreach Services in 1993 and currently teaches within the College. Among his special teaching projects Joe counts the Mexican Ag Education Program, the Pakistan Project, an Advisor's Workshop for Vocational Student Organizations, and the Victorian (Australia) College of Agriculture and Horticulture.

Joe has been involved with the Western Region American Association of Teacher Educators in Agriculture, the FFA Alumni Association, Farm Bureau, the San Jose Unified School District Agriculture Program, and the California Agriculture Teachers Association. He has been named an honorary CFFA Member, Honorary State Farmer with FFA and Grange Youth Booster of the Year for California. In 1987, Joe received the Honorary American Farmer Degree at the National FFA Convention and has been recognized as a ''Teacher of Teachers'' for 10 consecutive years.

Mr. Speaker, I rise today along with Representative DOOLEY and Representative NUNES, to pay to Dr. Joe Sabol as an Honorary Alumni Member of the California Agricultural Leadership Foundation's California Agricultural Leadership Program. I invite my colleagues to join me in wishing Joe many years of continued success.

HONORING THE ELMHURST AMERICAN LEGION, THE BROADVIEW-HILLSIDE AMERICAN LEGION, AND THE COLLEGE OF DUPAGE JAZZ ENSEMBLE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HYDE. Mr. Speaker, I would like to bring to your attention today the commendable efforts and charitable spirit of the Elmhurst American Legion, the Broadview-Hillside American Legion, and the College of DuPage Jazz Ensemble.

In particular, I would like to recognize Mr. Charles Levitt, Commander of the Broadview-Hillside American Legion, Mr. Dante Laudati, Commander of the Elmhurst American Legion, Mr. Anthony Barone, Chief Liaison of the Elmhurst American Legion, and Mr. Tom Tallman, the Director of the College of DuPage Arts Center Jazz Ensemble.

Their unselfish efforts combined with the patriotic spirit of the members of these organizations represent the finest qualities of all Americans. The members of this energetic group held an event on October 19, 2003 in Elmhurst, Illinois to raise funds for the Armed Forces Children's Education Fund. This noteworthy fund is committed to helping the children of military men and women who make the ultimate sacrifice while fighting the war on terrorism. I am proud of the efforts made by these faithful and patriotic citizens. They serve as a fine example of citizens sharing their prosperity with the families of the men and women who risk their lives to secure our freedoms.

I hope my colleagues will join me in honoring and offering congratulations to all of these outstanding Americans.

COMMENDING NASA ON ''SPIRIT'' MISSION TO MARS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HOLT. Mr. Speaker, after a series of failures in trying to land on Mars, NASA's Jet Propulsion Laboratory's *Spirit* has successfully landed on the red planet. Considering all the electromechanical systems, computer software, and retro-rockets that had to faithfully operate, the success of landing the spacecraft despite uncooperative Martian winds and dust is a testimony to the excellence, grit and determination of a host of planners, engineers and scientists at the laboratory. In a continuation of these successes, last Thursday, *Spirit* successfully rolled off the lander and onto the Martian surface.

In the meantime the *Spirit*'s twin is scheduled to land halfway around Mars on Sunday, January 25. The mere thought of the possibility of two rovers exploring Mars is both exciting and a testimony to our Nation's scientific and technical vitality.

Spirit and *Opportunity* are just two of the many offspring of the Jet Propulsion Laboratory that have been sent on exploration voyages over the past four decades, visiting every known planet except Pluto with a few looking out into the universe and beyond our local planets.

In 1930, with the rise of Hitler and anti-Semitism, Theodore von Kármán left Aachen, Germany and accepted an invitation by the California Institute of Technology to come to Pasadena to lead an aeronautical laboratory, later named the Jet Propulsion Laboratory. At age 81 he was the recipient of the first National Medal of Science, bestowed in a White House ceremony by President John F. Kennedy. A crater on the Moon is named in his honor.

Over seven decades, JPL has maintained this dignified position and upheld the reputation of von Kármán's laboratory as world leader in engineering, science and planetary exploration.

TRIBUTE TO UNITED STATES ARMY PRIVATE REY DAVID CUERVO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to another fallen patriot, United States Army Pvt. Rey David Cuervo, who gave the last full measure of devotion to the Nation of which he was not yet a citizen when he was killed in Iraq after his vehicle hit an explosive device in Baghdad.

After almost 5 years in the United States Army, Pvt. Rey Cuervo, a 24-year-old from Laguna Vista, was assigned to the 1st Squadron, 2nd Armored Cavalry Regiment in Baghdad, based out of Fort Polk, LA.

Pvt. Cuervo was one of an estimated 50,000 legal permanent residents serving in the U.S. Armed Forces when he died for the country he loved and the ideals he believed in. He died for the United States as a foreign national in the Army . . . and he won his citizenship posthumously.

This is an important point to make to the House of Representatives at a time when many of our members are raising their voices against those who want to have a national policy that appreciates the actual faces of immigrants in this country who wish to be citizens here.

This brave young man was not here to take a job from a citizen. These soldiers play a big part in defending the country. They believe in the hope and opportunity they feel when they come to this country. This young man's death may serve to educate some members of Congress about the importance of soldiers who put their life on the line, be they born in this Nation . . . or new to this Nation.

To date, five Mexican nationals have died in the war in Iraq. The willingness of Cuervo and the others to fight and die for the United States is an illustration of the love of this Nation from our immigrant community, and of the extraordinary relationship between the United States and Mexico.

Mr. Speaker, the entire community of South Texas mourns this fine young man.

I ask my colleagues to join me today in commending the life and service of United States Army Pvt. Rey Cuervo, and in expressing the condolences of the House of Representatives to his family.

ONE IRAQI'S PERSPECTIVE ON U.S. ACTIONS IN HIS COUNTRY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. UDALL of Colorado. Mr. Speaker, as our country wrestles with the consequences of the war in Iraq, I think it is more important than ever to encourage thoughtful and critical discussion of America's role in the world and to be open to a continuing public dialogue on the wisdom of our policies in the Middle East and elsewhere around the globe.

Whether one supported the war or not, I believe our responsibility as elected representatives of the people must include maintaining an open mind on these matters, and to seek out the judgment and opinions of those who may have experiences unique from our own.

In this regard, I would like to submit for the RECORD a copy of remarks written by Mr. Ibrahim Kazerooni, an Iraqi dissident who fought against the regime of Saddam Hussein and who is now a respected clerical leader of the Muslim community in Colorado. I met Mr. Kazerooni shortly after the infamous attacks on our country on September 11, 2001 and have found his insights on the problem of terrorism and democracy in Iraq to be unique and well worth the attention of my colleagues.

[From the Denver Post, Dec. 7, 2003]

IRAQ WAR MAKES US LESS SAFE, NOT MORE

(By Ibrahim Kazerooni)

Having been imprisoned and tortured several times by the former Baathist regime of Iraq, I came to expect any absurdity from that dictatorship.

Under the Baathists, the people of Iraq were fed a steady stream of government-generated lies on just about everything. The regime skillfully operated under the premise that as long as you said something often enough, it didn't have to be true in order to get people to believe it.

Even though the Baathist regime is gone, it appears the Bush administration has adopted their practice of intentionally misleading the public—in this case, the American public—through the incessant repetition of false information.

For example, we continue to be told by the White House that taking over Iraq was necessary for the war on terrorism, despite the

absence of credible evidence of a link between al-Qaeda and the former regime of Saddam Hussein.

On June 26, The Associated Press reported, ''The U.N. terrorism committee has found no evidence to support Bush administration claims of a link between Iraq and al-Qaeda, and the United States has provided the committee with no proof.''

This should not be surprising, since the secular Saddam Hussein was notorious for brutally crushing any and all Islamist elements in Iraq. As a result, the Islamists and the Baathists had nothing but pure disdain and mistrust for one another.

One of the most respected authorities on terrorism and defense issues, the International Institute for Strategic Studies, reported Oct. 15 that the invasion and occupation of Iraq has had the effect of ''swelling its [al-Qaeda's] ranks and galvanizing its will.''

Beyond that, the administration's mismanagement of post-war Iraq has created ripe conditions for terrorism to thrive, to the point where it is now feared Iraq is exporting terrorism to its neighbors.

The White House and others also continue to insist that the security situation in Iraq—upon which everything depends, especially reconstruction—is improving. Yet, the facts reveal that the insurgency is spreading.

Part of the reason for the spread of the insurgency is the resentment we've generated among ordinary Iraqis, the very people we said we came to liberate. Dr. Rajaa Habib Kbuzai, handpicked by the Bush administration to sit on the Iraqi Governing Council, said in September, ''There is considerable discontent with the coalition forces, the majority of whom treat the Iraqi people with violence and contempt.''

This analysis is shared by Marco Calamai, a special counselor to the Coalition Provisional Authority (CPA) in Iraq, who resigned his position in November because he said the U.S.-led CPA has created ''delusion, social discontent, and anger'' among Iraqis and allowed terrorism to ''easily take root.''

Calamai's view was confirmed by a classified CIA report leaked in November, which found that more Iraqis are ''flooding to the ranks of the guerrillas'' and predicted the security situation in Iraq would continue to get worse as the insurgency spreads across the country.

We invaded Iraq on the premise that the Baathist regime possessed stockpiles of weapons of mass destruction and would share them with al-Qaeda. Not invading, we were told, could likely result in ''mushroom clouds'' over American cities.

However, not only was the supposed link to al-Qaeda grossly absent, so are the alleged WMDs. The failure to find Iraq's alleged WMDs is entirely consistent with Secretary of State Colin Powell's statement on Feb. 24, 2001, in Cairo: ''He [Saddam Hussein] has not developed any significant capability with respect to weapons of mass destruction. He is unable to project conventional power against his neighbors.''

Powell's statement reflects the statements of Iraqi scientists and Saddam Hussein's son-in-law, Hussein Kamel, who defected to the West in 1995 and was later murdered by his father-in-law for defecting. He told U.N., U.S. and British experts debriefing him in August 1995, ''I ordered destruction of all chemical weapons. All weapons—biological, chemical, missile, nuclear—were destroyed.''

The invasion and occupation of Iraq has not only distracted us from the war against al-Qaeda and diverted billions of dollars from homeland security to operations in Iraq, it has actually increased al-Qaeda's recruiting and created more sympathizers for the organization among the world's 1.2 billion Muslims.

As long as the White House arrogantly continues to mislead the public with fabricated intelligence and sugar-coated assessments, we cannot possibly expect to win the war on terror.

REMEMBERING JUDGE HARRY LOFTIS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to an outstanding public servant, a wonderful family man, and good friend who devoted so much time and energy to the community of Tyler, Texas—Judge Harry Loftis, who died on December 9, 2003.

Judge Loftis spent thirteen years as a district attorney and county judge. Raised in Tyler, Texas, he earned degrees at Tyler Junior College and the University of Texas at Austin. He joined the Army Air Corps during World War II, and flew glider missions in France, England, and Italy. His bravery earned him several medals and citations. The Library of Congress is privileged to have his wartime accounts on file as part of the World War II veterans project.

Judge Loftis was also a longtime supporter of area institutions of higher education. He was a devoted trustee of Tyler Junior College, and was recognized throughout his term in office with several accolades including the T.B. Butler Award, the Outstanding Ex-Student Award, and the Earl Story Award. He was also a leading advocate for the creation of Texas Eastern University (now the University of Texas at Tyler).

While Judge Loftis's work in higher education was impressive, he was also a tireless community booster. He was a president or board member of the Tyler Jaycees, Texas Junior Bar Association, Smith County Red Cross, Tyler YMCA, Kiwanis Club, Strutters, Mother Francis Advisory Board, Tuberculosis Association, Chamber of Commerce, and the Texas Rose Festival Association. He was also a lieutenant governor of Kiwanis International and served on the Board of Stewards at Marvin United Methodist Church.

Judge Loftis is survived by his wife of 57 years, Margaret Ann Loftis; sons and daughters-in-law, Harry Lee and Charisa Loftis, Michael George and Jenny Loftis; daughter and son-in-law Mollie Ann and Robert Halpin; and ten grandchildren.

Judge Loftis will be long remembered as a devoted public servant, and the community of Tyler will miss his unwavering commitment to serve others. On behalf of his many friends and fans, I want to take this opportunity in the House of Representatives to pay our last respects to this dedicated public servant and outstanding American—Judge Harry Loftis.

HONORING THE BRAVE SOLDIERS OF THE NEW YORK AIR NATIONAL GUARD'S 106TH AIR RESCUE WING

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise to express my deep admiration and respect for the brave soldiers of the New York Air National Guard's 106th Air Rescue Wing who recently returned home from service in Operation Enduring Freedom. The brave men and women of the 106th Air Rescue Wing are among the most talented and best-trained rescue specialists in the world.

Of course, while I am pleased these heroes are out of the line of fire, the 106th is never out of harm's way. Most Americans first heard about the 106th because of a heroic rescue effort, which was recounted in the book and movie ''The Perfect Storm.'' They deserve our deepest gratitude for putting themselves on the front lines in war and peace.

The 106th Air Rescue Wing's extraordinary service in Iraq is the latest chapter in the storied history of this unit. During its time overseas, the unit was involved in numerous rescues, including from the October 12, 2003 bombing of the Baghdad Hotel and after a Chinook helicopter went down on November 2, 2003, a deplorable terrorist act that took the lives of 16 American soldiers. After this incident, members of the 106th Rescue Wing recovered two soldiers from the downed helicopter and brought them to safety where they received treatment. There is no more noble service than risking one's own life to save the life of a fellow soldier.

Mr. Speaker, as the representative of Gabreski Airport in Westhampton, Long Island, home of the 106th Air Rescue Wing, I could not be more proud of our soldiers returning home. I am truly privileged to represent this distinguished unit, which is not only a blessing to the people of Long Island, but to all Americans who benefit from its service.

A PROCLAMATION HONORING MR. AND MRS. HAVER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, Charles and Lillian Haver were united in marriage November 4, 1933 and are celebrating their 70th wedding anniversary; and

Whereas, Charles and Lillian Haver have demonstrated a firm commitment to each other; and

Whereas, Charles and Lillian Haver must be commended for their loyalty and dedication to their family; and

Whereas, Charles and Lillian Haver have proven, by their example, to be a model for all married couples;

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. Haver as they celebrate their 70th wedding anniversary.

HONORING THE CAROLINA PANTHERS

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mrs. MYRICK. Mr. Speaker, I would like to honor and congratulate the Carolina Panthers. Last Sunday they defeated the Philadelphia Eagles to become the 2003 National Football Conference Champions. This is the first NFC title since they began in 1995, but it will not be their last.

At the beginning of the season, no one outside the Carolinas gave the Panthers any chance of even going to the playoffs. However, the ''Cardiac Cats'' played hard every game and never gave up. As a result, the Panthers have defied the odds and will be playing in Super Bowl XXXVIII.

As a season ticket owner, and an avid fan, I want to express how much the Carolinas appreciate the hard work of Panthers' owner Jerry Richardson, its head coach John Fox, the assistant coaches, and Carolina's wonderful players. I also want to commend the Carolina fans who have embraced the team, and have supported them through all the ups and downs.

It has been a joy to watch the Panthers play this year, and I along with thousands of fans across the Carolinas want to wish them the best of luck in the Super Bowl. I hope that in February I can again congratulate them on winning another title: National Football League Champions.

HONORING SALEM BAPTIST CHURCH OF JENKINTOWN, PENNSYLVANIA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor the Salem Baptist Church of Jenkintown for its 120 years of worship and community development.

Founded in 1884, the Salem Baptist Church emerged from its modest, singleroom origins and flourished into a thriving church community. Through the immense effort of its congregation and the esteemed leadership of its pastors, Salem has grown consistently in both size and impact. Outgrowing each new building in which it resided, Salem expanded its presence in the community. Throughout its history, Salem has welcomed into its ministries such esteemed guests as Martin Luther King, Jr., Samuel Proctor, Rosa Parks, Jesse Jackson, and Pricilla Evans.

Today Salem includes the Church, a parsonage, Section 8 housing facilities for low-income residents and the elderly, and the Robert Johnson Smith Educational Center. In addition, there are plans to build a Family Life Center and nursing home facility. From its inception, the Salem Baptist Church has been committed to community development through the faith and determination of its congregation and pastors. I congratulate the members of the Salem Baptist Church on their 120th anniversary.

HONORING MARIE O'BRIEN

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Marie O'Brien, a resident of my Fifth Congressional District of Florida and a woman who has become something very few of us ever will. Mrs. O'Brien is a centenarian and at 102 she is a shining example of how to enjoy and appreciate life.

Mrs. O'Brien was born in Philadelphia and went to school at St. Gabriel. Following school, she worked as a telephone operator. She describes her happiest moments as family gatherings growing up and receiving the sacraments. Some of her favorite activities today are reading and praying the rosary.

After 102 years, Mrs. O'Brien says she is satisfied with her life and that it has been a pleasure. When asked what advice she'd give to young people she said, ''Stay away from drugs and be kind.'' She says the best thing about growing older is having time to relax and appreciate the gifts God has given her.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Marie O'Brien today. I hope we all have the good fortune to live as long as she has. She is truly a great lady and someone with an appreciation for the importance of kindness and kinship.

TRIBUTE TO ROBERT LEWIS SOTO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. BACA. Mr. Speaker, it is with deep affection that I pay tribute to the life of Robert Lewis Soto, beloved son of my dear colleague California State Senator Nell Soto. Robert, affectionately called ''Bud'' by his friends and family, passed away last week at the age of 52. He was a man of great honor, and I join today with family and friends in honoring his memory and remarkable life.

Bud graduated from Pasadena Community College where he was a classically trained musician and soon developed a reputation as being one of the most skilled keyboard players in the area. Despite his avid love for music, he took his immense talent into the business world.

An award-winning construction executive, Bud was best known for his restoration efforts of the San Gabriel Valley and San Fernando Valley Missions. He exhibited tremendous passion, pride, and an immense dedication to his work. He was a beloved part of his family and respected member of his community. His kind and passionate spirit was an incredible resource and blessing to those who knew him.

I join today with family and friends in paying our respects to a man who was a devoted and supportive husband, father, and friend. He is survived by his wife Alice, their three children Nellie, Sally, and Molly; his mother, Senator Nell Soto; his sister Anna; his brothers Phil Jr., Mike, Patrick, and Tom. He will be dearly missed.

SEMINAR ON KHALISTAN HELD IN PUNJAB—STEP FORWARD FOR SIKH FREEDOM MOVEMENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. TOWNS. Mr. Speaker, last month in Punjab, a seminar was held on the topic of Khalistan. Given the oppression that Sikhs have faced at the hands of the Indian government for attempting to secure their independence, this was a very courageous act. All of those who organized the event and who participated are to be commended for their courage. Freedom is the birthright of every people.

The seminar was organized by former Member of Parliament Atinder Pal Singh. Speakers included Professor Gurdarshan Singh Dhillon, who reportedly made an extremely strong argument for the Sikh Nation's right to self-determination.

The Indian government claims that there is no support for Sikh independence, Mr. Speaker, but this seminar and other events show otherwise. Perhaps this answers the obvious question: If India is a democracy and if there is no support for an independent Khalistan, then why not simply hold a free and fair plebiscite on the issue, as democratic countries do, and settle it once and for all? Wouldn't that be the fair and democratic way to take care of this issue?

America can support this just cause and we have a moral obligation to do so. We can stop our aid to India until all people there enjoy full freedom and we can officially call on India to hold a free and fair, democratic vote to determine the political future of the Sikhs of Khalistan and all the other minority nations seeking their freedom, such as predominantly Christian Nagaland and predominantly Muslim Kashmir.

The Council of Khalistan issued a press release on the Khalistan seminar, which I would like to put in the RECORD at this time to show that the cause of freedom is universal and that it still has strong support in Punjab, Khalistan.

SEMINAR ON KHALISTAN HELD IN PUNJAB

INDEPENDENCE MOVEMENT IS ALIVE AND WELL IN PUNJAB, KHALISTAN

WASHINGTON, D.C., December 17, 2003—Former Member of Parliament Atinder Pal Singh organized a seminar on Khalistan last month at Baba Makhan Shah Labana Hall, Sector 30, Chandigarh. Speakers included Professor Gurdarshan Singh Dhillon and others. Dr. Dhillon made a very strong argument for the right of the Sikh Nation to rule itself in a sovereign, independent Khalistan. General Narinder Singh was invited, but unable to attend. This seminar shows that the cause of Khalistan is alive and well in Punjab, despite the claims of the Indian government that there is no support for Khalistan and that only outside Sikhs are supporting independence.

''The outside Sikhs have an important role to play,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. ''They have exposed the human rights against the Sikhs to the international community and internationalized the cause of independence for Khalistan,'' he said. ''They have also preserved Sikh history in the Congressional Record from 1984 to date, defeating the Indian government's attempts to alter it. However, it is the Sikhs in Punjab, Khalistan who are keeping the cause alive and liberating Khalistan,'' he said. ''It is very good to

see this support for the cause of a sovereign, independent Khalistan,'' said Dr. Aulakh. On October 7, 1987, the Sikh Nation declared its independence from India, naming its new country Khalistan.

''We salute Sardar Atinder Pal Singh for organizing this important event and we salute all the presenters who presented their papers,'' Dr. Aulakh said. ''They put the Indian government on notice that its effort to suppress the Sikh independence movement by force has failed and will continue to fail,'' he said.

''The mere fact that this seminar was conducted shows that there is a significant change in the repression in Punjab,'' Dr. Aulakh said. ''It shows that people feel free to exercise their basic right of freedom of speech,'' he said. ''This is a step forward for the liberation of the Sikh Nation. There is a new upsurge of support for the cause of Sikh freedom,'' Dr. Aulakh said. ''The flame of freedom burns brightly in the hearts of the Sikh people, in Punjab, Khalistan and outside as well.''

''Every day, Sikhs pray 'Raj Kare Ga Khalsa,' which means 'The Khalsa shall rule,' said Dr. Aulakh. ''Sikhs must claim their birthright by liberating Khalistan. I hope that this seminar will be the forerunner to a Shantmai Morcha (peaceful agitation) to establish a sovereign, independent Khalistan, thus fulfilling the desires of the Sikh Nation for Raj Kare Ga Khalsa,'' he said. ''Guru Gobind Singh gave sovereignty to the Sikh Nation and we must achieve it.''

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Mampuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

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. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Sardar Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984!

''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 our God-given birthright of freedom,'' he said. ''Without political power, religions cannot flourish and nations perish.''

HONORING JOHN W. LAKE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today on behalf of Representative DOOLEY, Representative NUNES and myself, to honor John W. Lake on the occasion of his being distinguished as an Honorary Alumni Member of the California Agricultural Leadership Foundation's California Agricultural Leadership Program. This designation will be bestowed upon Mr. Lake at the annual conference of this organization.

Selection for this distinction is reserved for ''special individuals who have, over a period of time, demonstrated consistent commitment and uncommon excellence in the furtherance of education and leadership in California agriculture.'' The mission of the California Agricultural Leadership Program is to enhance the long-term viability of California agriculture through leadership development, which in turn benefits the people and the communities that agriculture serves.

A native Californian, John graduated from the University of California, Santa Barbara in 1970 with a Bachelor of Arts degree in Mechanical Engineering. He also completed one year of graduate work in Mechanical Engineering at Cal Poly, San Luis Obispo. In 1974, Mr. Lake began his career with Rain for Rent, working his way through the Engineering and Manufacturing Departments and management of Lake and Lake International, irrigation subsidiaries of Western Oilfields Supply Company. He founded Lake Leasing Company in 1983, Rain for Rent's agricultural irrigation equipment financing division. John has served as President and Chief Executive Officer since April of 1990.

Since its beginning in 1934, Western Oilfields Supply Company/Rain for Rent has evolved and expanded in its product offering and the markets it services, providing solutions to temporary liquid-handling problems. Their products and services cover a wide variety of industries, including, but not limited to: construction, petro-chemical, municipal, environmental, agricultural, and other industrial businesses that are serviced by 47 branches and 650 professionals nationwide. During John's tenure as President, the company has expanded into the tank, pump and specialty rental markets.

Mr. Lake is active in the Cal Poly San Luis Obispo Advisory Council, the California Agricultural Leadership Program, the Fellowship of Companies for Christ International, Quest Club, Idaho Irrigation Association and Safari Club International. John and his wife, Sheila, have two sons and attend Fruitvale Community Church in Bakersfield, California.

Mr. Speaker, I rise today along with Representative DOOLEY and Representative NUNES to pay tribute to John W. Lake as an Honorary Alumni Member of the California Agricultural Leadership Foundation's California Agricultural Leadership Program. I invite my colleagues to join me in wishing John many years of continued success.

RECOGNIZING OF NELSON WESTERBERG INC.

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HYDE. Mr. Speaker, I rise today to recognize one of the leading corporate citizens in my district, the Sixth Congressional District of Illinois. This year Nelson Westerberg Inc., headquartered in Elk Grove Village, Illinois, will celebrate its 100th anniversary. Not many companies reach this milestone, especially under the same family ownership, and that is why I want to commend Nelson Westerberg Inc., for reaching this historic milestone.

Nelson Westerberg Inc. has been safeguarding and relocating people, products, and offices since 1904 when it opened its first office in downtown Chicago. In 1904, it moved coal, ice and ''some furniture'' via horse-drawn wagons. Today Nelson Westerberg Inc. has become one of the Nation's leading relocation companies, offering its services to individual households as well as corporate customers.

Nelson Westerberg Inc., also is an active participant in community activities such as the Special Olympics and the Elk Grove Police Department's annual Truck Pull.

Therefore, it is with great pleasure that today I acknowledge the accomplishments of this fourth-generation business as it celebrates its 100th anniversary in 2004.

HONORING MARGARET DAVIS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Margaret Davis, a resident of my Fifth Congressional District of Florida and a woman who has become something very few of us ever will. Margaret is almost a centenarian and at 99 she is a mother to 2 daughters, a grandmother to 5, a great-grandmother to 8, and a great, great grandmother to 9.

Mrs. Davis was born in New York City, but went to school in a schoolhouse in Stamford, Connecticut, on Long Ridge Road. She describes her happiest moments as when her daughters were married. One of her favorite activities today is crossword puzzles with friends.

After 99 years, Margaret says she wouldn't change anything about her life. When asked what advice she'd give to young people she says, ''listen to your parents.'' She says the best thing about growing older is people are very kind because of her age.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Margaret Davis today. I hope we all have the good fortune to live as long as she has. She is truly a great lady and someone with an appreciation for the importance of family and time with friends.

INTRODUCTION OF RESOLUTION OF INQUIRY REGARDING DISCLOSURE OF IDENTITY AND EMPLOYMENT OF COVERT U.S. INTELLIGENCE OFFICER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HOLT. Mr. Speaker, six months after a syndicated columnist disclosed the identity of a CIA employee, calling her a CIA ''operative,'' the White House and the Department of Justice have yet to find and hold accountable the person or persons who leaked her name to the press. Congress and the men and women

of our intelligence community deserve answers.

I am today introducing a privileged resolution of inquiry to request that President Bush, the U.S. Attorney General, and U.S. Secretaries of State and Defense provide this Congress with factual information in their possession relating to the disclosure of the identity and employment of Ms. Valerie Plame as a covert employee of the CIA. I am pleased to be joined by U.S. Representatives ESHOO, REYES, TAUSCHER, LARSON, TURNER, SPRATT, MORAN, WAXMAN, LANTOS, and CONYERS as original cosponsors of this timely and important legislation.

If passed, this resolution will provide Congress with the information it needs to determine independently the facts surrounding this breach of confidentiality, to assess its effects on U.S. national security and intelligence gathering, and to determine whether legislative action is needed to prevent leaks of this nature in the future.

I submit that protecting our Nation's intelligence community, and all who serve in it, is vital to our national security and to the safety of all Americans. At this time, a resolution of inquiry is the best tool at the disposal of the House to determine how this leak occurred and who perpetrated it.

I am disappointed by the absence of public outrage among senior officials in our intelligence community and in this administration. They should be standing in solidarity with Ms. Plame and the other Americans who serve in our intelligence community, and they should be speaking out against anyone who would presume to unilaterally decide whose identity should be made public. Their silence is deplorable.

Protecting our country and the men and women who protect and defend us is not solely the responsibility of one branch of our Government. It is a shared responsibility under our system of checks and balances. Our Government—including both the Congress and the executive branch—has a duty to ensure that all who work within the U.S. intelligence community are not compromised and that all U.S. intelligence agencies are able to effectively do their jobs and protect the American people from more terrorist attacks and other threats. Some have used the weak excuses that this person's identity was already known by some people or that her work was not very important. These excuses are outrageous. Any unauthorized disclosure potentially puts our agents and our sources and their families at risk and thus weakens our ability to protect Americans.

At the least, I hope that this resolution will exert pressure on the ongoing Department of Justice investigation. I fully support the investigation, but there is no reason why it should be taking so long to get any answers at all. This investigation should be among the Department's highest priorities.

Over the longer term and after we have determined the origin of this leak, I believe that this Congress has an on-going responsibility to examine thoroughly and oversee how our intelligence community uses human sources, human case officers, and various kinds of cover, and how we go about protecting them. We simply cannot accept the public disclosure of an undercover intelligence operative. We must understand what happened and search for ways to prevent it from happening in the future. The effectiveness of our intelligence agencies demands nothing less.

COMMENDING ''MR. AMIGO,'' BERTHA NOEGGERATH

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. ORTIZ. Mr. Speaker, I wish today to commend the 2003 ''Mr. Amigo,'' Bertha Noeggerath, better known as ''Dulce,'' chosen recently by the Mr. Amigo Association of Brownsville, TX, and Matamoros, Tamaulipas, in Mexico. Each year the Mr. Amigo Association honors a Mexican citizen with the title of ''Mr. Amigo,'' and that person acts as a goodwill ambassador between our two countries.

The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen who has made a lasting contribution during the previous year to international solidarity and goodwill. ''Mr. Amigo''' presides over the annual Charro Days Festival.

The Charro Days Festival is a pre-Lenten event, much like Mardi Gras in New Orleans, held in Brownsville and Matamoros. Charro Days festivities last for several days; this year they will be February 25–28 and will include parades and appearances by Dulce. Charro Days is an opportunity to enjoy the unique border culture of the Rio Grande Valley area.

As Mr. Amigo 2003, Dulce will head the international parade of Brownsville Charro Days and Matamoros Fiestas Mexicanas festivities.

During Charro Days, South Texans celebrate the food, music, dances, and traditions of both the United States and Mexico. The United States-Mexican border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers.

The border has its own language and customs. On both sides of the border, there is a deep sense of history, much of which the border has seen from the front row. We have seen war and peace; we have known prosperity and bad times. Charro Days is a time for all of us to reflect on our rich history, to remember our past and to celebrate our future.

The 2003 Mr. Amigo, Dulce is a musician and actress who continues to have a long and successful career in the entertainment industry. She is originally from Matamoros, Tamaulipas. Her music career began while singing in small nightclubs in her hometown in the early 1990's, before joining the group ''Toby y sus Amigos.'' Her 27-year career includes not only Gold Records and several Spanish-language hits, but numerous television appearances and work in Mexican telenovelas, including ''Sonadoras'' and ''Mujeres Enganadas,'' with Andres Garcia, Laura Leon, Kuno Becker and Susana Gonzalez. This year she joins the cast of ''Las Vias del Amor.''

The Mr. Amigo Committee selected Dulce because ''she is a good role model for local youths interested in the arts,'' and because ''through her acting and her music she represents the Mexican culture.''

I urge my colleagues to join me in commending Dulce Noeggerath, the 2003 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

HONORING MR. MICHAEL KATZ OF BOULDER, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Mr. Michael Katz of Boulder, Colorado for his exemplary public service.

Over the past 25 years, Michael Katz has been a successful and well-respected federal public defender for Colorado and Wyoming. Since 1978, he has handled thousands of cases, giving quality legal counsel to defendants who could not afford representation. In doing so, he has demonstrated and protected some of the most precious aspects of our democracy and Constitution. Unfortunately, Michael will be retiring this year. Instead of pursuing justice, he and his wife Susan will be pursuing the beauty of the Atlantic Coast as they sail from Chesapeake Bay to Key West.

Michael began his law career in a small law firm with a staff of only three lawyers in a modestly-sized office. Over the years, he has been unswerving in his commitment to environmental protection. Yet his dedication to principles of justice and fairness enabled him to defend environmentally destructive people with professional integrity. Along the way he has also defended criminals whose civil liberties and individual rights are guaranteed by our Constitution.

He has persevered through every challenge, putting justice and the Constitution ahead of his personal beliefs. His tireless dedication has gained national acclaim and respect, as well as leading his office to prominence. After years of hard work, his retirement is well earned. The people of Colorado and Wyoming will certainly miss him and his honorable service to the justice system.

Mr. Speaker, I ask my colleagues to join with me in expressing our gratitude to Michael Katz for his relentless defense of our Constitution. I wish Michael and his family good health and happiness in their future together.

HONORING GEORGIA TOMPKINS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Georgia Tompkins, a resident of my Fifth Congressional District of Florida and a woman who has become something very few of us ever will. On March 29th of this year, Mrs. Tompkins will become a centenarian and at nearly 100 she is a mother to 12 children, a grandmother to 32 grandchildren, and a great-grandmother to 12 great-grandchildren

Mrs. Tompkins was born in New York state and was a housewife. She describes her happiest moments as when each one of her children was born. One of her favorite activities today is playing dominoes.

After almost 100 years, Mrs. Tompkins says she would not change a thing about her life if she had to live it over. When asked what advice she'd give to young people she said, ''Work hard and go to church.'' She says the best thing about growing older is all of the memories from years past.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Georgia Tompkins today. I hope we all have the good fortune to live as long as she has and the ability to live and love as she has. She is truly a great lady and someone with an appreciation for the importance of family and friends.

CONGRATULATING THE GAINESVILLE HIGH SCHOOL LEOPARDS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HALL. Mr. Speaker, I am honored today to recognize the Gainesville Leopards for winning the Class 3A Division I state football championship on December 13, 2003.

The Leopards' marquee season was one for the record books. The team finished the season with a perfect 15–0 record, becoming the first Gainesville High School team to ever win a state football championship. They achieved this victory by defeating the No. 1-ranked Burnet High School Bulldogs—a team that boasted the state's top passer and receiver. Led by first-year coach Jeff Cordell, the Leopards fought off a formidable team with a blistering offense to win the game by a score of 35–24.

The game was punctuated by Gainesville's impressive rushing offense. Running back Terrius Purvey led the team with 26 carries for 232 yards, and quarterback Chris Brown scored two touchdowns late in the game. But the win was a team effort, as it had been throughout the season. The 22 seniors, 5 juniors, and 6 sophomores followed the lead of the 11 Leopard's coaches and overcame a season of challenges.

For the town of Gainesville, Texas, the mighty Leopard team brought the community together like never before. After a special sendoff in Gainesville, fans from all over north Texas traveled to Texas Stadium to cheer on the team. A supportive community that proudly displayed Leopard car flags and victory messages backed the united varsity team. On behalf of the players, coaches, and fans, I want to take this opportunity in the House of Representatives to congratulate the new state champions—The Gainesville Leopards.

HONORING THE MEMORY OF PERRY B. DURYEA, JR., FORMER SPEAKER OF THE NEW YORK STATE ASSEMBLY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Perry B. Duryea, Jr., the former Speaker of the New York State Assembly and a lifelong resident of New York's First Congressional District, who tragically lost his life last week after having sustained injuries from an auto accident near his Montauk home. Mr. Duryea was an outstanding public servant, successful businessman, and World War II veteran who dutifully served the people of Long Island and the State of New York with distinction for more than four decades.

Perry Duryea began what would become a legendary state political career in his hometown of Montauk, New York, having served as a member of the Montauk Public Board of Education and as president of the Long Island State Park Commission. He was first elected to represent the First Assembly District of the New York State Legislature in 1960, and remained a member of the body until 1978. During his time in the legislature, Mr. Duryea held the post of Minority Leader for 6 years and Speaker of the Assembly for 4 years. Although he was a leader of the Republican party's conservative wing, Mr. Duryea was known for his pragmatic bipartisanship, as he forged strong relationships with members from across the aisle and often supported legislative measures that were unpopular within his own party. Among his most noteworthy achievements was legislation that he initiated and passed to expand the state parks and the state university system. He also championed construction of the Long Island Expressway and the Sunrise Highway extension, and worked hard to promote environmental protection measures. Those who knew Perry Duryea remember him as an extraordinary leader who elevated the status of the New York legislature.

A prominent businessman within his Montauk community, Mr. Duryea also devoted much of his time to various community and civic endeavors which improved the lives of Long Island residents. Born and raised in Montauk New York, Perry Duryea took over the family wholesale seafood business, Perry Duryea & Son, after completing his service as a plane commander with the United States Naval Transport Service during World War II. After leaving politics following an unsuccessful bid for the governorship in 1978, Mr. Duryea returned to running his business and volunteering his time with numerous public and civic organizations, including Long Island Commercial Bank, where he served as Chairman of the Board.

In recognition of his many contributions and achievements, Mr. Duryea received numerous honors, including the distinction of ''Man of the Year'' by the Montauk Chamber of Commerce, and the naming of a state office building after him. Mr. Duryea is survived by his wife, Marie Therese Duryea, and two children—Lynne Duryea and Perry ''Chip'' Duryea III.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in honoring the memory of Perry B. Duryea, Jr. Throughout his exemplary career in public service, Mr. Duryea enhanced the quality of life for residents of Long Island and the State of New York. The spirit of bipartisanship with which he conducted his public life garnered him the respect of his peers and served to inspire future generations of community leaders. Mr. Duryea's leadership and strength of character are qualities each of us should aspire to embrace as we carry out our duties in this distinguished body.

TRIBUTE TO CHRISTIAN HENDRICKS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. NEY. Mr. Speaker, Mr. Christian ''Chris'' Hendricks, Deputy Inspector General of the House of Representatives will be retiring at the end of this year after a long and distinguished career in service to the United States government. His exemplary career spans twenty-seven years of service, including the last six years with the House of Representatives. Chris' considerable professional skills and credentials as a Certified Public Accountant, Certified Internal Auditor, and Certified Information Systems Auditor have enabled him to assist the House of Representatives in achieving its present standards of safety, security and accountability.

Chris' duties within the Office of Inspector General have ranged from the analysis of the House's financial controls to careful analysis of emerging technologies. His efforts have contributed to improved administrative functions for the House and improved services and security for individual Members. He has worked to ensure fire safety improvements in House facilities and has been critical to assuring the integrity of the House's information technology systems.

Chris will be missed by all of his colleagues, but he can take great satisfaction in the many efforts of his career. Chris' advice and counsel on matters of significant importance to the House will be difficult to replace. I wish Chris and his wife Nancy a joyful and exciting retirement, and I congratulate him once again for his long and distinguished career of service.

HONORING ELSA F. ANDERSON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Elsa F. Anderson, a resident of my fifth congressional district of Florida and a woman who has become something very few of us ever will. Elsa Anderson is a centenarian and at 102 she is a mother to 2, a grandmother to 2 grandchildren and a great-grandmother to 11 great-grandchildren.

Mrs. Anderson was born in Stockholm, Sweden, but went to school in New York City. Following school, she worked as an assistant in a specialty shop, in an office and as a housewife. Obviously a dedicated mother, she describes her happiest moments as the births of her two daughters. To this day one of her favorite activities is spending time with them when they come to visit.

After 102 years, Mrs. Anderson says she wouldn't change a thing about her life—she says she enjoys everything she's been given. When asked what advice she'd give to young people she says, ''Work hard, be honest, and be ready to enjoy good things.'' She says the best thing about growing older is that people respect you.

I respect that candor and I'm proud to be her representative in Congress.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Elsa F. Anderson today. I hope we all have the good fortune to live as long as she has and the ability to impart wisdom as eloquently as she has. She is truly a great lady and someone with an appreciation for the importance of friends, family and happiness.

HONORING THE JOHN BOY AND BILLY RADIO SHOW

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize the John Boy and Billy radio show. I have known John Boy, Billy, their producer Randy, their guest coordinator Marci, and their entire staff for many years. In fact, I knew them long before they became famous. They have been a great help to me by informing their listeners about important issues that face Congress.

Recently, the John Boy and Billy ''Big Show'' has been keeping their listeners informed about the War on Terror and the status of our troops overseas. As their listeners know, John Boy and Billy are the two funniest guys you will ever meet, but they are very serious when it comes to supporting our troops. The ''Big Show'' deserves to be recognized because they set up a United Service Organization (USO) care package drive to help support our troops during the 2003 holiday season.

Through their efforts they helped the USO collect more than $75,000 from more than 1400 of their great listeners. I commend both the John Boy and Billy radio show, and the ''Big Show'' listeners, for supporting the troops and providing for them during the 2003 holiday season. Due to their efforts, our troops will receive care packages to let them know that they are supported back home, and that we appreciate what they are doing to protect us.

TAIWAN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HOEFFEL. Mr. Speaker, Taiwan has been a close and valuable ally of our nation since its inception as the Republic of China in 1949. In contrast to the People's Republic of China, both democracy and capitalism have flourished in Taiwan, as demonstrated by its peaceful transition to a multi-party political system and its thriving free market economy.

I support the notion of a united China, but not if it means the assimilation of Taiwan into anything resembling the current People's Republic. Rather, I look forward to the day when both peoples are united in a truly democratic state, and are able to share in the political and economic freedoms of Taiwan. Until this is possible, the United States must use the tools at our disposal to maintain the status quo, guaranteeing the people of Taiwan the freedom they currently enjoy.

Taiwanese President Chen Shui-bian has called for a nationwide referendum in March regarding China's deployment of hundreds of missiles aimed at Taiwan. Asking the Taiwanese people whether Taiwan should purchase more anti-missile defenses in response to this obvious threat does not represent an escalation of tensions with China. On the contrary, this ''defensive referendum'' is an affirmation of Taiwan's democratic system. We must support this exercise of the right of free expression, which is consistent with our own values.

In this instance, China's inflammatory statements, not Taiwan's referendum, threaten to upset the delicate balance that exists in the region. The United States must remain firm in its support for the people of Taiwan. And until China is ready to adopt a democratic system of government and a free market economy, that means maintaining the status quo.

HONORING MYRA MACK

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Myra Mack, a resident of my Fifth Congressional District of Florida and a woman who has become something very few of us ever will. Mrs. Mack is a centenarian and at 101 has lived a full life.

Myra was born in London, Ontario and attended St. George's School. She left school to attend the Army, but joined the women volunteer services instead. She worked as a telephone operator. Following school, she worked as a box girl in a dry goods store. Myra said the happiest event in her life was when she married her husband Joseph. She is most proud of her eighty plus trophies she won over the years in dance competitions.

After 101 years, Myra says she enjoys sitting on her front porch and doing her sewing. Her best advice for young people is to enjoy themselves and play while they are young.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Myra Mack today. I hope we all have the good fortune to live as long as she has. She is truly a great lady and someone with an appreciation for the importance of friends and neighbors.

HONORING THE 25TH ANNIVERSARY OF THE CATHOLIC DIOCESE OF SAN BERNARDINO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. BACA. Mr. Speaker, today I am pleased to honor the 25th Anniversary of the Catholic Diocese of San Bernardino and the leadership of Bishop Barnes.

In 1978, Pope Paul VI created the Diocese of San Bernardino. Serving over 1,000,000 Catholics in ninety-seven parishes, the Diocese has served as the moral compass and religious center to the citizens of San Bernardino.

Not only has the Diocese of San Bernardino served the Catholic citizens of San Bernardino, its thirty-four Catholic schools have provided quality education to 8,500 students of all faiths and its two Catholic hospitals continue to save lives and keep the residents of San Bernardino healthy.

Since 1996, Bishop Gerald Barnes has led the Diocese of San Bernardino. Always a devoted teacher and educator, Bishop Barnes has also dedicated himself to fighting against the injustices that people of all races and backgrounds face.

Under the guidance of the founding Bishop, Phillip Straling and then Bishop Barnes, the Diocese has worked tirelessly to improve the lives of all citizens of San Bernardino.

I am pleased to honor the 25th anniversary of the Catholic Diocese of San Bernardino and the leadership of Bishop Barnes.

NEW YEAR'S WISHES FOR FREEDOM FOR THE SIKHS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. TOWNS. Mr. Speaker, recently my friend Dr. Gurmit Singh Aulakh, the President of the Council of Khalistan, issued a New Year's message to the Sikhs. In it, he took note of the progress that has been made towards freedom for the Sikhs and other minority nations in South Asia. He also wrote that the effort to liberate the Sikh homeland, Khalistan, must continue.

As you may know, the Sikhs declared their independence from India on October 7, 1987. They named their country Khalistan. Since that time, tens of thousands of Sikhs have been murdered to suppress the Sikh freedom movement and tens of thousands more have been held as political prisoners.

Dr. Aulakh noted that seminars on Khalistan were held openly last year. He noted the ceremony honoring Sikh martyrs Satwant Singh, Beant Singh, and Kehar Singh. He wrote about recent initiatives by the Khalsa Panchayat to move the cause of freedom for the Sikhs forward.

Mr. Speaker, the right to self-determination is the cornerstone of democracy. It is time for the United States, founded on the principle of self-determination, to support self-determination for the Sikhs. We can do this by cutting off our aid to India until the Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and all the minorities enjoy full rights and freedom and by putting the Congress on record in support of self-determination for Khalistan, Kashmir, Nagaland, and the other nations seeking their freedom in the form of a free and fair plebiscite on the question of independence.

Mr. Speaker, I would like to place Dr. Aulakh's letter into the RECORD at this time for the information of my colleagues.

NEW YEAR'S MESSAGE TO THE KHALSA PANTH

WASHINGTON, Jan. 19.—Happy New Year to you and your family and the Khalsa Panth. May 2004 be your best year ever.

The Guru gave sovereignty to the Sikh Nation. (''In Grieb Sikhin Ko Deon Patshahi.'') The Sikh Nation must achieve it. We always remember it by reciting every morning and evening, ''Raj Kare Ga Khalsa.'' Now is the time to act on it. Do we mean what we say every morning and evening?

The fire of freedom still burns strong and bright in the heart of the Sikh Nation. 2003

was an encouraging year for the Sikh freedom struggle. Sikhs openly held seminars in Punjab on the subject of Khalistan. This is a very good sign and we salute the people who participated in these seminars. They are keeping the flame of freedom lit. Now I urge Sikhs to unite and take action to liberate our homeland, Punjab, Khalistan. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

Never forget that the Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not appointed by the Khalsa Panth. The SGPC, which appoints them, does not represent the Sikh Nation anymore. They have become the puppets of the Indian government and have lost credibility with the Sikh Nation. Otherwise they would behave like a real Jathedar, Jathedar Gurdev Singh Kaunke, rather than like Indian government puppet Jathedar Aroor Singh, who gave a Siropa to General Dyer for the massacre at Jalianawa Bagh. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikh Nation is a nation of martyrs. It is encouraging that the SGPC and the Akal Takht honored the Sikh martyrs S. Satwant Singh, S. Beant Singh, and S. Kehar Singh. Recent initiatives by the Khalsa Panchayat to bring the Sikh tradition and glory to the Khalsa Panth are highly appreciated. This is a good start to establishing Khalsa Raj as the Akali movement in the 1920s freed the Sikh Gurdwaras from the Mahants who were puppets of the Indian government. Today, the Akali leaders are the new Mahants.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikh during June 1984 in Punjab. If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparalelled corruption. That is why the Akali Dal was defeated in the elections by the Congress Party.

Chief Minister Amarinder Singh has done one good thing for which we must appreciate him. He is prosecuting Badal, his son, and his wife for their corruption during their five years in power, 1997–2002. How could a Chief Minister of modest means amass over Rs4300 crore? He should pay the taxes on this wealth and account to the Sikh Nation where he got it. This ill-gotten wealth should be confiscated.

Badal has destroyed the moral fabric of the Sikh religion. What happened to the concept of fairness and honesty? Because Sikhs are slaves in India, there is nobody to defend the Sikh interests internationally. Recently, an issue came up of the French banning the wearing of turbans in school. If Khalistan were free, the Sikh Nation could call the French Ambassador and tell him to stop this harassment of Sikhs. Our Ambassador to France would tell the French government the same thing: the turban is part of the Sikh religion and Sikhs should not be harassed.

When Sikhs ruled Punjab, a French general, General Ventura, commanded the Sikh artillery. He himself wore a beard and a turban. In World War II, the Sikh army wearing turbans helped to liberate France so that France could enjoy freedom.

Khalsa Ji, let's pray to Guru for freedom, unity, sovereignty, prosperity, and happiness for the Sikh Nation around the world and for everyone. The Khalsa Panth is determined to establish Khalsa Raj, as the events of this past year show.

India is not one country. It has 18 official languages. Soon Kashmir will be free from Indian occupation. Now America is involved in it. As L.K. Advani predicted, ''When Kashmir goes, India goes.'' We agree with him.

When I met President Bush on December 5, he personally told me, ''I am aware of the Sikh and Kashmiri problem and we stopped India and Pakistan from going to nuclear war.'' The Sikh diaspora has a moral responsibility to help the Sikh Nation to achieve its sovereignty by freeing Khalistan from Indian occupation.

As President of the Council of Khalistan, I wish everybody a 2004 that brings freedom, prosperity, and happiness to you and to the Khalsa Panth. A free Khalistan is a must for the survival of the Sikh nation and will provide an optimal environment for the Sikh Nation to progress to its optimum potential politically, religiously, and economically.

Panth Da Sewadar,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HONORING WILLIAM J. ANDERSON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor William J. Anderson, a resident of my Fifth Congressional District of Florida and a man who has become something very few of us ever will. William Anderson is a centenarian and at 101 years old he is a father to one child, a grandfather to four grandchildren and a great-grandfather to three great-grandchildren!

Mr. Anderson was born in Boston but went to school in Wellesley, Massachusetts. Following school, he became a teacher. He describes his happiest moment as the birth of his son and most fondly remembers his childhood summers in Prince Edward Island.

After 101 years, Mr. Anderson says if he had it all to do over again, he'd like to work for the government—maybe even the IRS! When asked what advice he'd give to young people he said he'd tell them to work hard, stay out of trouble and drive safely. He says the best thing about growing older is the freedom to do what you want to and the time to travel.

Mr. Speaker, and my Colleagues, I ask that you join me in honoring William Anderson today. I hope we all have the good fortune to live as long as he has. He is truly a great man and someone with an appreciation for the importance of happiness and freedom.

RUDY DELEON'S ELOQUENT TRIBUTE TO FORMER CONGRESSMAN NICHOLAS MAVROULES

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. MEEHAN. Mr. Speaker, I was saddened to learn of the death of former Congressman Nicholas Mavroules, a dedicated public servant, leader, and family man.

At the funeral service for Congressman Mavroules on December 30, 2003, at St. Vasilios Greek Orthodox Church in Peabody, Massachusetts, Mr. deLeon delivered an eloquent tribute to Congressman Mavroules that touched me and all others who were present. He described the lifelong dedication that Congressman Mavroules gave to his beloved family, friends, colleagues, and constituents in Massachusetts, and his devoted service to this country.

Rudy deLeon's touching eulogy to Congressman Mavroules should be of interest to all of us. I ask that it be submitted to the RECORD.

His Eminence, Metropolitan Methodios; Current and former Members of the Massachusetts Congressional Delegation: Congressman Tierney, Congressman Neal, Congressman Meehan, former Congressman Harrington—Then as now, one of the most capable delegations in the Congress.

On behalf of the family of Nicholas Mavroules—his wife of 53 years, Mary—his daughters Debbie, Gail and Brenda and their families—and the other family, friends, colleagues and constituents—I would like to thank you for remembering and honoring a remarkable man. A man of family; a man of community; and, a man of public service.

Nick began his political career in the late 1950's, and I once asked—did you ever meet John F. Kennedy.

He responded, ''yes, Senator John F. Kennedy.''

His daughter—very young daughter Gail—was with him. Her response, ''Dad, that man should run for Mayor of Peabody.''

In 1978, Nick Mavroules would be elected to the U.S. House of Representatives, serving the 6th Congressional District of Massachusetts for 14 years.

But it was in the 1980's, serving on the Armed Services Committee, where Nick would have his greatest impact.

The decade began with the inauguration of Ronald Reagan as the 40th President of the United States. It ended when the Berlin Wall came down in 1989, followed by the dissolution of the Soviet Union in 1991—ending communist rule in Russia.

In between was one incredible debate—and, of course—Nick Mavroules was right in the center. Along the way there were discussions of human rights in Central America, nuclear disarmament, Pentagon accountability, and the morale and welfare of U.S. troops.

In the course of his service, he would join and lead the debate—both in the Nation's Capital and on the North Shore—about the direction and course of our nation. The debate would take Nick to many places:

1981: Visit with U.S. forces in Germany.

1982: Northern Ireland.

1983: Two trips to Beirut, Lebanon. The first to spend July 4th with the troops; the second to lead an Armed Services Committee investigative team after 283 U.S. Marines were killed in a terrorist bombing during a peacekeeping mission at the Beirut International Airport. In the Committee's final report of December 1983, Nick would write, ''A war of terrorism has begun and is likely to continue for the foreseeable future.''

1985: A session with U.S. negotiators in Geneva—center of talks with the Soviet Union on nuclear weapons. He would meet with President Reagan in the Oval Office after this trip.

1986: San Salvador, El Salvador. A meeting with the Jesuit's at the University of Central America—priests would later be assassinated in their rectory.

1987: Baghdad, Iraq; Kuwait City; Taif, Saudi Arabia: An inspection delegation to review the security of U.S. forces in the Persian Gulf during the Iran-Iraq war. Most notable was a vigorous session in Baghdad with the Foreign Minister of Iraq, Tariq Aziz, on Iraq's use of chemical weapons in its war with Iran.

1988: As an emissary of the U.S. State Department, Nick engaged in a private dialogue with Greek Prime Minister Andreas Papandreou, providing a framework that produced the current U.S.-Greece agreement on military bases.

1989: Appointment to the House Select Committee on Intelligence, performing oversight of the CIA and other elements of the intelligence community. Nick's input: to require that intelligence be accessible to the U.S. forces deployed and at risk.

During this time, he was also engaged in the significant legislative work on national security that included:

The 1986 Defense Reorganization—the Goldwater-Nichols Act—that fundamentally restructured military command and control—so that troops serving in high-threat combat and peacekeeping missions—would have a responsive and dynamic military chain of command.

Implementation of the Packard Commission recommendations to reform Pentagon acquisition practices.

Legislation that limited the deployment of nuclear ballistic missiles, and ensuring that missile defense technology be treaty compliant.

Funding for the Navy's F–18 fighter, powered by GE engines from Lynn. Twenty years later the F–18 remains as the backbone of Naval Aviation;

And, the Small Disadvantaged Business Act that allowed more American citizens to compete in government contracting.

Throughout his service in Congress, Nick would earn the respect and trust of his colleagues. From Massachusetts: Senators Ted Kennedy, Paul Tsongas and John Kerry, Speaker Tip O'Neill, Joe Moakley, Ed Markey and Jim Shannon, Barney Frank and Joe Kennedy. And other Members of Congress, including Sam Nunn, Barry Goldwater, John Glenn, Les Aspin, Sam Stratton, Bill Nichols and Beverly Byron. His colleagues in Congress would conclude this about Nick Mavroules: He was always a gentleman. He was always well prepared. And, he always kept his word.

But, no matter the challenge in Congress, the highlight of each week would be Nick's return home to Mary and the girls. From his daughters and grandchildren came these comments:

Grandson Michael: He told me stories of himself in my place to lift my spirit; He never said, ''No, Forget it, don't bother'' or anything to that degree when I told him about my goals in my life I wish to go by; Any time I ever spent with him was always a good time no matter what the situation or event was; You were always there for me no matter what the situation was. The worst thing in my life was to see you go. I love you with all my heart and I always will.

Grandson Matthew: Taking me on my daily paper route. Calling me to make sure that I was ready to be picked up. You would say, ''Can you believe I went from a Congressman to a paper boy. I went from being chauffeured to chauffeuring. Telling me never to forget our roots or where you came from.

Son-in-law Wayne: You weren't just a husband, dad or grandfather you were a best friend. You really had to feel very special to be Nick's friend. To Kristen and Nicholas, you just weren't a Papou but more likely considered a dad to them. Stories of baseball and basketball when you played but as he told his stories, he told the grandchildren not to do what he did. When he watched the Red Sox and Patriots blow a game was so comical. If they pulled it out and won he would say ''there's not a better team. Aren't they great!''

Grandson Jon: ''No bird soars too high, if it soars with its own wings''—This could mean so many different things to many different people but it only means one thing when it comes to my mind. Everything that my grandfather taught and showed me in my life comes down to one thing. You will be most successful in life if you do things on your own and with some guidance of people who are close to you. Words cannot express how much love I will continue to have for my grandfather and how proud I am to say that my grandfather was Nicholas Mavroules.

Daughter Gail: Calling the boys over to your house when your clicker didn't work, remote controls, setting up your phone, TV, voice mail, teaching you all your buttons in your new car, and how proud you were of them because they had the knowledge of technology. How you would call us everyday from D.C. to check on us and how you would know from the tone of our voices if we were fine or not. You knew us like books. Warning the Capital Security and House Members when your grandchildren came to visit. How they would run through the halls going into other members, offices until they found you. Discussing at dinner and everyone taking turns including you and Ma. What was the best and worst part of everyone's day. How you loved that. I will forever miss your kindness, your smile, the warmth and softness of your hands, your guidance, loyalty, your love and affection, support but most of all being our champion and tower of strength. You taught us values to live by. In our lives you were bigger than life, you made us so proud and we will always live in your extraordinary legacy. You're our mentor and now our guardian angel. I love and thank you with all of my heart which you took a piece of with you and hope it lives within you as your soul will with me.

Daughter Brenda: I will always treasure these special times we shared. There wasn't anything that we didn't discuss. You always said the right things. You were my dad, hero, and friend. God needed an angel in heaven, and he took you, but he also took a special part of me. I wish everyone had the opportunity to be blessed with two beautiful parents like I was. I will miss you buddy and will love you always.

Daughter Debbie: You were my dad and my tower of strength. When I was weak you were my strength. You were my sports buddy every week during a Pats game or a Red Sox game, and if we weren't watching them together I would be on the phone with you at least five times. I started every morning by hearing you answer the phone. ''Hello Deb, what are you doing Dad? Having coffee and toast and reading the papers by starting with the sports section first.'' You were a father to my children who adored you. You fought tooth and nail for us and always said no one will ever abuse you and the kids again. What a price you paid for our freedom. That's what Nick Mavroules was all about. The kindest, most caring, and loving individual who never forgot where he came from. That's my dad, our dad. Even from a sick hospital bed he always said take care of your mother and take care of the kids and each other and always stay together as one. Thank you for your endless love and family values.

Son in Law Phil: When I first met your daughter you did not trust me. Who was this ''Irish guy taking out my daughter.'' Our first date, Brenda had to be home by ten o'clock PM until you trusted me with your little girl. Once I was ''cleared'' you welcomed me with open arms.

On my first trip to Washington I was in awe of how many of the police officers, wait staff and regular people knew Nick and he knew them. He always treated them with the same respect as he did the Head of State. Nick you were a ''class act.''

Nick, I remember the birth of David. Once again you were sharing your life for others. I know when you called from the Navy ship you were so proud. David and you developed a very special relationship. David idolized you and relished the opportunity to spend time with ''Pap.'' Alexis, what can I say. She is the only one who could convince the former Chairman of the Armed Services' Intelligence Committee to be a student who needed to complete his ''dot to dot'' assignment. Both David and Alexis loved their Papou. You were their hero and both of them will truly miss you.

Nick, I thank you for the opportunity to marry your daughter. I knew from the start that I could never be the number one man in Brenda's life. That spot was reserved for you. I can only try to live up to your standards. I will try my best to take care of your daughter and grandchildren.

Granddaughter Alexis: Papou was Alexis's favorite student. He was her ''dot to dot'' champ. Alexis told Papou when he came home from the hospital she would allow him to be the principal. Alexis and Papou had a special code, on every hour Alexis had to give Papou a kiss. Papou these kisses will never stop. When you feel tiny lips on your cheek, it's me still loving you. You will always live on in my heart Papou. I love you.

Grandson David: You helped me and you guided me through good and bad. I remember when I had social studies homework and it was about the government. I would call Papou and ask him and he would help me. We used to hang out together, talk about his past, talk about the economy, and why things happen. I loved spending time together and you don't know how much I loved it. You were my best buddy and my pal. I will miss you and I will cherish you forever and ever. I love you Papou.

(Conclusion)

Nicholas Mavroules left us on Christmas morning. We will remember him. And, we will miss him. But, we can all find consolation in an angel's Christmas morning blessing found in the Gospel of Luke:

''Glory to God in the highest,

And on earth peace to men on whom his favor rests.''

With God's blessing, we say peace to our friend Nick Mavroules.

HONORING THERESA MARCELLA (PALOMARES) FUENTES

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mrs. NAPOLITANO. Mr. Speaker, I rise today to honor Theresa Marcella (Palomares) Fuentes, affectionately known to all as Teddy. She was born on January 16, 1924 in Los Angeles to Robert F. & Bessie (Duarte) Palomares. A fifth generation native Californian, Theresa is a direct descendent of Don Ygnacio Palomares, original Spanish land grantee of the historic Rancho San Jose located furthest from San Gabriel Mission and encompassing the area that today includes Pomona, San Dimas, La Verne and adjacent areas.

Teddy was educated in Los Angeles Catholic parochial schools, including St. Mary's Grammar School at 4th & Chicago in Boyle Heights, and later graduated from Catholic Girls High School. Immediately following graduation Theresa enlisted in the United States Navy Women's Auxiliary (WAVE's) Corps during the height of World War II, and was stationed in Washington, DC performing clerical duties for the Navy Department.

Upon her Honorable Discharge from the Navy following the war, Theresa married her childhood sweetheart Robert H. ''Bob'' Fuentes, also a Los Angeles native. Together they had 10 children, Christina Marie, Roberta Theresa (married to James F. Buescher), Charles Patrick (married to Linda L. Unruh), Andrea Elizabeth (married to Robert C. Kunkel), Cecelia Catherine, Robert Henry III (married to Cynthia Vetter), Mary Carole (deceased), Christopher Francis, Joseph Aloysius (married to Amy D. Boothe), and Caroline Bernadette ''Buffy'' (deceased), and made their home in Norwalk and later Cerritos.

A devoted homemaker and helpmate, Teddy immersed herself in the education and development of her children, amply demonstrating her talents as an accomplished artist and painter, expert seamstress, first-rate cook, as well as noted hostess in furtherance of her husband Bob's political career. After the untimely death of Bob Fuentes at age 50, Teddy took up the mantle of family matriarch and entered the workforce as a Sales Representative for Coca-Cola Bottling Company, retiring in 1991 after 14 highly successful years.

Teddy Fuentes has made many outstanding contributions to church, civic and community endeavors, including service as Grand Regent of the Santa Teresita Court of the Catholic Daughters of America, and active memberships in the American Business Women's Association, Native Daughters of the Golden West, Past Grand Knights Association of the Knights of Columbus Council 3678, Gadabouts Senior Club, and Cerritos Senior Citizens.

A world traveler par excellence, Teddy has traveled throughout the Americas, Europe, and the Middle East including several trips to Israel where she was baptized in the Jordan River, and Egypt where she rode camels at the pyramids and Sphinx.

Theresa Marcella Palomares Fuentes celebrated her 80th birthday on January 16, 2004 together with her large family and numerous friends including her six grandchildren Jennifer Marie Hood, Holly Alana Hood, Ryan Anthony Kunkel, Lauren Elizabeth Kunkel, Laurel Frances Fuentes and Robert Henry Fuentes, IV. I take great pleasure in noting the wonderful life and achievements of Theresa Marcella Palomares Fuentes, extend sincere best wishes on the happy occasion of her 80th birthday and wish her continued happiness and good health.

HONORING RICHARD SILVER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Richard Silver, a public servant who has dedicated his life to caring for and comforting our country's veterans.

Dick Silver has worked in various capacities for the U.S. Department of Veterans' Affairs for more than fifty years. During that time, he has served as the director, assistant director, administrator, and personnel services officer at VA hospitals in Massachusetts, Washington D.C., New Jersey, North Carolina, and eventually, in Florida.

Dick was appointed Director of the James A. Haley VA Medical Center in Tampa, which is near my congressional district, in 1979. The hospital, and its associated outpatient clinics, nursing homes, and domiciliaries, serves many of my constituents and has grown dramatically during his tenure. He has guided the hospital through trying times with humor, grace, and an abiding respect for the men and women who seek care at his facilities.

I worked closely with Dick over the past decade to build a spinal cord injury unit at the Tampa VA. Dick's guidance, wisdom, and knowledge were instrumental in helping me secure the necessary Federal funding for the project. He oversaw construction of the unit which, in the words of VA Secretary Principi, provides the best care in the country for veterans with spinal cord injuries and dysfunction.

Mr. Speaker, I am honored to know and have worked closely with Richard Silver for so many years. His leadership, dedication, and professionalism have been an asset to me, our country, and those for whom he and his staff care.

HONORING HATTIE HALL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Hattie Hall, a resident of my Fifth Congressional District of Florida and a woman who has become something very few of us ever will. Mrs. Hall is a centenarian and at 101 she is a mother to 5 sons, a grandmother to 10 grandchildren, and a great-grandmother to 19 and has 3 great, great-grandchildren!

Hattie was born in Savannah, Georgia and went to school at Savannah State College. Following school, she worked as a school teacher and a nurses' aid. She describes her happiest moments as going shopping with her uncle, her mother and her brother. One of her favorite activities is painting pictures.

After 101 years, Hattie says she only wished she had learned to paint at a younger age. When asked what advice she'd give to young people she says, ''always do the right thing and remember to pray.'' She says the best thing about growing older is having a good son to take care of her.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Hattie Hall today. I hope we all have the good fortune to live as long as she has. She is truly a great lady and someone with an appreciation for the importance of family and friends.

HONORING ARLINE WHITAKER

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to honor a friend and colleague who has played a major role in local government in my district, Arline Whitaker. As the Chair of the Farmington Town Council for the past 7 years, Arline has served her town with distinction and dedication.

Arline has been an active, constructive voice in the Farmington community for decades and first entered local government in 1979, serving as a member of the Farmington Town Council from 1989–2004. In addition, she chaired the Conservation Commission from 1988–1989. She continued to serve in various capacities in local government while also contributing her keen mind and boundless energy to develop many local organizations, including the Hill Stead Museum, the Stanley Whitman House, Friends of the Farmington Library, the Farmington Garden Club, and Services for the Elderly, among many others.

In her 7 years serving as chair of the Farmington Town Council, Arline has provided the leadership, enthusiasm, and long hours of hard work to accomplish an impressive list of projects. She led the initiative to build a new senior center, police station, and expand the Farmington library, while also acquiring 554 acres of land for open space preservation. She was involved with the creation of a new upper elementary school that provides our children needed classroom space. In addition, her relentless effort to seek State and Federal funding for local road improvements and the Rails to Trails project has brought new opportunities to Farmington residents to keep fit and enjoy their remarkable, scenic, and historic town.

Arline's long service to the town of Farmington is notable and commendable because it both preserved and protected a rich and wonderful history and prepared Farmington to continue as a strong community for decades to come. As a friend of Arline's, I wish her good health, high energy and joy in all she undertakes, with the time released from her many public responsibilities. My thanks for her public service, the high standards to which she held herself, and for her personal friendship.

CONGRATULATING ALYN KIEL ON HER ESSAY REGARDING PURPLE LOOSESTRIFE, AN INVASIVE SPECIE

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HOEKSTRA. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD an essay written by Alyn Kiel, an 11th grade student at Montague High School in Montague, MI. The essay is titled ''Purple Loosestrife: A Beautiful Killer,'' and it is an excellent discussion of a very serious but commonly overlooked environmental problem around the Great Lakes and throughout the Nation.

Purple Loosestrife is one of the most common invasive non-native species in the United

States and Canada. Imported from Europe in the early 1800s, this plant is virtually impossible to eradicate, and its vegetative dominance often crowds out native plants and animals.

Ms. Kiel's essay is the winner of a recent essay contest for Michigan high school students sponsored by the Great Lakes Sea Grant Network and The Muskegon Chronicle. Students were asked to propose a creative, realistic and environmentally sound plan for managing an aquatic non-native invasive species in the Great Lakes.

As a Member of Congress whose district borders roughly 200 miles of beautiful Lake Michigan shoreline, I have observed firsthand the devastation invasive species can cause to the ecosystem and the economy. I am pleased to insert this essay into the CONGRESSIONAL RECORD, and I hope that its presentation will continue to raise awareness of this serious environmental problem.

PURPLE LOOSESTRIFE: A BEAUTIFUL KILLER

(By Alyn Kiel)

Imagine a quiet walk along the lakeshore after a long absence. As you stroll along, you notice clusters of lavender flowers, and remark at their beautiful appearance. But as your journey continues, you see that most of the usual flora and fauna you would have observed a decade ago have completely disappeared. The culprit? The supposedly innocent plant you remarked upon earlier: purple loosestrife.

Purple loosestrife, or Lythrum salicaria, was brought to the eastern United States in the early 1800s by settlers as a medicinal herb and in the ballast holds of European ships. The spread of purple loosestrife increased with the construction of waterways, railways and canals. By the 1930s, it had moved inland [and could be found in most states and provinces] in the United States and Canada.

One of the most recognizable features of this marsh monster is a ridged, square stem. One plant can produce up to 30 stems from one central root mass. Leaves are smooth and attached directly to the stem. Flowers appear between late June and late September, and are purple in color.

Over 3 million seeds can be produced by one mature plant. Seeds are small, light and easily dispersed by wind. Each seed has high viability (nearly 100 percent germination rate) and remain so after years of being buried under soil or submersion under water. Seeds can be transported by animals, clothing, vehicles and rainfall, which carries them into river systems and wetlands.

Nicknames for purple loosestrife—beautiful killer, marsh monster and exotic invader among them—are extremely illustrative. Purple loosestrife easily establishes itself within urban and rural wetland areas. Once it's present, it's nearly impossible to destroy. It has a tendency to dominate native vegetation. This change in species composition has drastic effects on the wildlife population. Loosestrife [frequently] blocks water flow in ditches and irrigation canals.

No herbicides are currently approved to control loosestrife,** but small outbreaks can be removed by hand digging, as long as all pieces of root tissue are removed. However, for large scale infestations, this is costly and time consuming, and therefore is not a practical solution.

One innovative option being used in many wetlands across Canada and some areas of North America is Integrated Pest Management (IPM). Through this form of biological control, purple loosestrife is reunited with its natural enemies. Four insects are currently being used—two leaf eating beetles, a root mining weevil, and a seed weevil. These plant eating insects do not harm any other native plants or the natural environment. In certain areas of North America, IPM is providing total control of loosestrife. Through this method, purple loosestrife is effectively destroyed and herbicides and chemicals do not have to be used in sensitive areas.***

A second method of biological control is the removal of garden varieties of purple loosestrife. Although it was originally believed that garden varieties of loosestrife were sterile, recent scientific studies have shown that they are indeed capable of seed and pollen production. These varieties of loosestrife can exchange pollen with other cultivars and the wild population. The majority of wild infestations of purple loosestrife are the result of garden escapes.

The best way to remove loosestrife from a garden is through hand digging. All pieces of root tissue should be removed and plant material should be dried out thoroughly before disposal. Root masses can be treated with an herbicide, such as Round-Up. All plant material should be placed in a dark colored garbage bag and secured tightly to prevent infestation of the landfill.

In Canada, an exchange program has been created to exchange purple loosestrife for an environmentally safe native plant. Experts dispose of the loosestrife correctly, and residents are given native plants similar to loosestrife to replace in their gardens. A program such as this would be beneficial for Western Michigan. In this way, the purple loosestrife population is controlled, and the rebuilding of native habitats is promoted.

In order to prevent infestation of native habitats, it is necessary for informational programs to be created and promoted further within this area. As community members are informed of the danger of loosestrife, the greater amount of supporters will be gained for its control. If the entire community works together to exterminate this problem, [we will come] closer to rebuilding our wetlands.

*A healthy, mature plant can produce up to 2.7 million seeds per year.

**Currently, glyphosphate, sold under the trade name RODEO, is the only effective purple loosestrife herbicide that is registered for aquatic use. However, it is non-selective and will affect the vegetation surrounding the target plant.

***Based on studies, three insects have been approved for release in the U.S., including one root boring weevil and two leaf eating beetles. The use of a pest's natural enemies to regulate its population and reduce damage is referred to as biological control. Biological control is only one method of Integrated Pest Management (IPM), which is a strategy to control a pest using a combination of methods.

Source; Purple Loosestrife in Michigan: Biology, Ecology, and Management, 1997, produced by Michigan Sea Grant and Michigan State University Extension.

HONORING JAMES OWEN RUSH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. LEE. Mr. Speaker, I rise today to honor an Irish Catholic and New Deal Democrat, Jim Rush. Beloved husband of Joan, Jim passed on January 2, 2004 after a hard-fought two year battle against cancer, surviving much longer than the doctors had ever predicted.

James Rush was born December 9, 1938, at Providence Hospital in Oakland, to two veterans of the Oakland General Strike, Eugene Rush and Esther Kelly-Rush. He attended and graduated Sacred Heart and St. Elizabeth's High School in Oakland. Just like his father, he lived his entire life at 472 & 474 W. MacArthur Boulevard, in the houses his grandfather, Owen Code Rush built sometime near 1870.

After high school, Jim was the night-manager at Doggie-Dinner's in Oakland. In 1962 he joined Teamsters Local 70 and was elected Chief Steward at Sears in 1969. He was arrested 3 times in the Coors Strike in Alameda in 1970. In 1972, he led the Sears Strike and was also elected Recording Secretary of Teamsters Local 70. Jim was injured on the job in 1980 and joined the law offices of John E. Hill, investigating ''Serious & Willful Fraud of Injured Workers by Employers & Insurance Companies.''

In 1981, Jim became interested in Palmistry & Tarot Card Reading, eventually becoming a world-renowned spiritualist and author. Published and broadcast under the name Jay Owen Swift, he founded Oakland's Palmistry Academy of Ancient Wisdom and until 2001, hosted the ''Mystic-Eye,'' a spiritually oriented radio show on KEST in San Francisco.

In 1985, Jim was elected to the board of directors of the Instituto Laboral De La Raza, a non-profit community organization dedicated to assisting Latino immigrant working families in San Francisco, where he remained an Advisory Board Member until his death. In 1996, Jim was elected to the Executive Board of SEIU Local 616 after organizing the staff of his law firm into the union. He was appointed as a delegate to the Central Labor Council of Alameda County AFL–CIO in 1997 and elected by his fellow delegates to the Council's Union Label and Credentials Committee. On September 20, 2002, Jim was awarded the Instituto's ''Santo Patricio Award.'' James P. Hoffa, General President of the International Brotherhood of Teamsters traveled from Washington D.C. to make the presentation.

Finally, I want to honor him for being an exemplary role model, community leader, and friend. I take great pride in joining Jim's family, friends and colleagues to recognize and salute the accomplishments and contributions of James Owen ''Jimmy'' Rush.

HONORING ROSE DERGIN

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Rose Dergin, a resident of my Fifth Congressional District of Florida and a woman who has become something very few of us ever will. Mrs. Dergin is a centenarian and at 101 she is a mother to one child, a grandmother to three grandchildren, and a greatgrandmother to five greatgrandchildren!

Mrs. Dergin was born in New York City but went to School in Englewood Cliffs, New Jersey. At 17 she worked as a long distance telephone operator and following school, she worked as a bookbinder. She describes her happiest moment as her wedding day. Today

one of her favorite activities is playing cards until her eyes hurt!

After 101 years, Mrs. Dergin says if she had to live life all over again, she'd love to be a sketch artist, a hobby she had to give up in order to support her family. When asked what advice she'd give to young people she said, ''Listen to your parents.'' She says the best thing about growing older is having her family around.

Mr. Speaker, and my colleagues, I ask that you join me in honoring Rose Dergin today. I hope we all have the good fortune to live as long as she has. She is truly a great lady and someone with an appreciation for the importance of family and closeness.

TRIBUTE TO JOHN THOMAS DYE SCHOOL ON ITS 75TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to a truly remarkable educational institution in the 30th Congressional District—the John Thomas Dye School—on its 75th anniversary.

The John Thomas Dye School in Los Angeles, California, was founded in 1929 by Cathryn Robberts Dye and John Thomas Dye II. Originally named the Brentwood Town and Country School, it opened with ten students in 1929 at the corner of 26th Street and San Vicente Boulevard. One of these students was the founders' own son, John Thomas Dye III, who later was tragically killed while a pilot in World War II. In 1959, the school was renamed the John Thomas Dye School in memory of its fallen son.

In 1960, the school was moved to its present campus at 1141 Chalon Road. The very next year, the school burned to the ground in the Bel Air Fire. Thanks to the dedication of its founders, and the unwavering and generous support of the community, the school was rebuilt in one year.

Today, this independent, nonprofit school educates children from preschool through 6th grade. In addition to its strong academic program, the John Thomas Dye School places special emphasis on the ''Five Cs'': Caring, Common Sense, Consideration, Cooperation, and Courtesy. Throughout its 75 year history, the school has touched the lives of over 1,500 graduates, thousands of parents, and an exceptional faculty and staff.

I ask my colleagues to join me in congratulating the John Thomas Dye School family on the occasion of its 75th anniversary.

CELEBRATION OF LUNAR NEW YEAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. PELOSI. Mr. Speaker, it is my privilege to represent a vibrant and strong Asian American and Pacific Islander community that is a historic part of San Francisco's world-renowned diversity, and I rise today to recognize the celebration of the Lunar New Year, the most cherished Chinese festival.

The Lunar New Year marks the beginning of a new season and is a time of renewed hope. It is considered a time to sweep away misfortune and to welcome the New Year with hopes of good luck, prosperity, and excellent health.

The Lunar New Year celebration begins on the new moon of the first day of each year and ends on the full moon 15 days later. Family is a major focus of the Lunar New Year celebration, and participants pay great respect to their ancestors who laid the foundations for the well-being of their families. The Lantern Festival, which concludes the celebration with a parade of brilliant lanterns, the music of drums, and a dragon dance performed by youth, is especially beautiful.

By the Chinese calendar, this is the year 4,701, the Year of the Monkey. The Monkey represents the inventor and innovator and symbolizes growth and development. In many ways, the Monkey epitomizes the entrepreneurial spirit of my district in San Francisco and our ability to overcome great challenges.

The U.S. Postal Service recently issued its Year of the Monkey Stamp, the final in its spectacular Lunar New Year commemorative stamp series. It has been a great pleasure to celebrate the 12 years of the Chinese Zodiac with the stamps designed by artist Clarence Lee, and I am proud to display these beautiful images on the walls of my office. Thank you to the Organization of Chinese Americans, to the U.S. Postal Service, and to the leaders of San Francisco's Chinese American Community for your hard work to make this wonderful series a reality.

By percentage, Asian Americans and Pacific Islanders are the country's fastest growing ethnic group, and the community is a dynamic part of our nation. The Lunar New Year is a wonderful opportunity to recognize the immeasurable contributions of Asian American and Pacific Islanders to all aspects of American life, including the arts, education, sports, medicine, religion, and politics. It is my pleasure to join with so many of my constituents and with Asian American and Pacific Islanders across the country to celebrate the Lunar New Year.

RECOGNIZING THE ACCOMPLISHMENTS OF ILC DOVER INC. AND ATK ELKTON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. CASTLE. Mr. Speaker, I rise today to recognize the recent accomplishments of ILC Dover Inc., located in Frederica, Delaware. ILC Dover has long been a partner in this country's space exploration efforts. From manufacturing space suits for the Apollo mission's to the moon to creating the air bag landing systems for the recent Mars rover's Spirit and Opportunity, the later of which is scheduled to land on the opposite side of Mars this weekend. I as well as the 400 employees at ILC will be watching closely as the company's technology delivers Opportunity safely to the surface of Mars.

As NASA's vision continues to change over time, ILC Dover has adapted their technologies to meet the challenges of these new missions. ILC's landing bags work much like your everyday passenger air bag in a car. The system surrounded and protected the rover Spirit as it bounced 30 times before resting on the surface of Mars. These unmanned probes will scour the red planet's surface in an effort to discover any previous existence of life. These air bag systems were enhanced from those that ILC made for the earlier Pathfinder mission to Mars.

ILC is very excited by the President's recent announcement that he plans to send Americans to Mars by establishing a permanent space station on the moon. ILC Dover has already begun testing their newest space suit, the ''I-suit'', which could be warn by those astronauts who will build the moon base. ILC has stated that they expect these suits would perform better, would cost less, and would be more comfortable, allowing crewmembers to perform their duties for longer periods of time.

The company also manufactures products to meet the emerging homeland security, defense, and environmental challenges that our country faces. For example, they have begun production and sales of the Scape hood, a mask that protects civilian wearers from nuclear, biological and chemical warfare agents. The company currently manufactures the M40 gas masks donned by the U.S. Army. The federal government, state and local municipalities, and the corporate community have invested in their Vapor Guard product. These soft material covers are designed to contain odors and emissions within wastewater treatment tanks. These are just a few of the emerging technologies that the company is focused on.

As part of the successful Mars Exploration Rover program, I would also like to acknowledge the important work of Alliant Tech Systems Inc. (ATK). ATK, based in Edina, Minnesota, is a $2.2 billion aerospace and defense company with strong positions in propulsion, composite structures, munitions, precision capabilities and civil and sporting ammunition. I will be touring their Elkton, Maryland, facility and will see first hand how ATK is partnering with NASA.

The Elkton facility, which employs close to 100 Delawareans, is working on NASA's Mars Exploration Rover as well, the orbital space plane and other NASA missions. Specifically, ATK constructed the gas generators that inflated ILC Dover's airbags to cushion the rover's landings, as well as the rocket motors that slowed their decent.

Besides their NASA work, ATK is also partnering with the Department of Defense to create Kinetic Energy Interceptor missile defense programs and is also part of a Department of Homeland Security team with United Air Lines that has been tasked to submit designs for an electro optic missile warning systems for commercial airplanes.

These forward thinking companies continue to assert themselves as major players in our nation's research and development, especially our search of the next frontier. I congratulate them on their achievements and wish them continued success.

REGULATORY OBSTACLES TO THE DEPLOYMENT OF BROADBAND FACILITIES

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. BOUCHER. Mr. Speaker, I rise today to discuss the positive economic benefits of eliminating the regulatory obstacles to the deployment of broadband facilities by telecommunications carriers. A recent report by economists Robert W. Crandall and Charles L. Jackson supplies strong evidence that further deregulation will jumpstart the sluggish technology sector and increase investment in broadband, which will in turn encourage greater Internet use, and expand the market for a broad range of technologies from computers and servers to digital appliances for the home that connect over the Internet.

Despite recent efforts by the Federal Communications Commission (FCC) in its Triennial Review Order (TRO) to promote broadband investment, several restrictions on broadband deployment remain that threaten to undercut the economic benefits the FCC was seeking to foster in its deregulatory order. The FCC has before it a reconsideration proceeding in which it has the opportunity to eliminate remaining barriers to investment and nourish broadband deployment, innovation, and economic growth. I urge the Commission to take full advantage of that opportunity. The following counterproductive regulations should be repealed:

First, although the FCC has eliminated unbundling requirements for new mass market broadband deployments, it mistakenly ruled that multiple dwelling units (MDUs) are subject to the greater unbundling obligations applied to the enterprise market. Apartment complexes and other primarily residential buildings should be treated the same as single family houses and small businesses that fall within the mass market. The unbundling requirements that apply to the enterprise market should not apply to these multi-family dwellings.

Second, the TRO muddies the distinction between the mass market and the enterprise market in other unfortunate ways. The FCC recognized that telephone companies face tremendous competition from cable operators when telephone companies seek to deploy new broadband networks to the mass market. It accordingly provided maximum unbundling relief to telephone companies for mass market deployments. But the FCC failed to say what the mass market includes. In particular, providers are uncertain whether fiber loops deployed to small businesses will be subject to unbundling at below-cost rates. The FCC should clear up this uncertainty by providing a clear definition of the mass market.

Third, although the TRO properly eliminates unbundling obligations for broadband under section 251 of the Communications Act, the FCC appears to have required the Bell companies to provide unbundled access to their broadband facilities under a different section—section 271. The FCC should make clear that no provision of the Act requires carriers to physically unbundle broadband facilities at cost-based rates.

The FCC needs to act swiftly to eliminate these lingering impediments to broadband deployment. By doing so, the Commission will unleash the full potential of broadband communications, which will serve as an immediate stimulus for the economy.

According to the Crandall-Jackson report, if the FCC acts as I have recommended to deregulate broadband, as many as 1.2 million new jobs could emerge over the next decade from the resulting widespread adoption of existing and advanced broadband technologies. In as little as 5 years, the more than 250,000 jobs lost between 2000–2003 in the telecommunications service and equipment sector could be restored. Capital investment could increase to such an extent that by 2021, capital expenditure on broadband technologies will reach $63.6 billion and create a cumulative increase in gross domestic product of $179.7 billion.

Finally, in addition to creating the proper framework for investment in broadband facilities, I urge the FCC to promote regulatory parity for the broadband services provided by cable operators and telephone companies. Under current rules, telephone companies are required to provide nondiscriminatory access to all Internet service providers, but cable operators are not. For example, Verizon can offer its customers an Internet access service, but the user can instead select AOL, Earthlink, or any other ISP while receiving local telephone service from Verizon. If the subscriber has cable modem service, in most cases he is stuck with the cable company's affiliated ISP, and he would have to pay extra to reach a different ISP. This disparity makes no sense, especially given that cable operators have a 2–1 market share lead over telephone companies in the broadband marketplace.

The FCC should require cable operators to provide open access, just as telephone companies do. Americans deserve to choose their own ISP, rather than having the network owner choose for them. The FCC also should prohibit cable operators from using their bottleneck control of the network to discriminate against unaffiliated content providers or equipment suppliers. Such requirements would not involve the below-cost pricing associated with the objectionable unbundling regime, and accordingly would not chill investment in new networks. In fact, requiring all broadband network owners to provide a choice of ISPs will accelerate the deployment of broadband services at a more reasonable price.

TRIBUTE TO THE 12TH SERGEANT MAJOR OF THE ARMY, JACK L. TILLEY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. KNOLLENBERG. Mr. Speaker, it is my distinct honor and privilege to simply say thank you to the 12th Sergeant Major of the Army, Jack L. Tilley. Thank you for your service to our country. Thank you for your sacrifice to this great nation, and thank you for your leadership as the highest ranking enlisted soldier in the Army.

Last week, Sergeant Major Tilley and his wife Gloria retired after 35 years in the Army. As Chairman of the House Appropriations Committee, Subcommittee on Military Construction, I had the distinct pleasure of listening to Sergeant Major Tilley testify about quality of life issues for Army soldiers. I witnessed his concern for the men and women who serve our country. Let me assure you, Sergeant Major Tilley was a zealous and effective advocate for all soldiers. There were numerous occasions when his suggestions were incorporated into subcommittee policy. Believe me, Sergeant Major Tilley made a difference in the lives of soldiers and their families.

Effectively representing soldiers of the most powerful Army in the world is a challenging and evolving task. In his statement to the Subcommittee on Military Construction Appropriations on March 5, 2003, Sergeant Major Tilley stated, ''Almost three years ago my boss—Army Chief of Staff General Eric Shinseki—gave me a fairly simple charter. My mission is to get out among our soldiers and their families, understand their needs and issues, and become their biggest advocate and supporter as I represent them to him, the Secretary of the Army, and other senior leaders throughout our government.'' I can say without hesitation, Sergeant Major Tilley has accomplished his mission.

Over the course of his career, and most notably during his tenure as Sergeant Major of the Army, Jack Tilley's number one priority was Army soldiers. From the day he took the office of Sergeant Major of the Army in June 2000, until his retirement, Jack Tilley took his mission to heart. By his own admission, Sergeant Major Tilley logged hundreds of thousands of miles of travel visiting Army soldiers across the United States and forward deployed to countries all over the world. Sergeant Major Tilley's actions and dedication reveal that he is not afraid to get his boots muddy, in fact, he revels in it.

Sergeant Major Tilley's care for soldiers was tested many times during his tour of duty. As the first Sergeant Major of the Army appointed in the 21st Century, Jack Tilley has coached and mentored Army soldiers through many challenges that his predecessors could never have imagined. Sergeant Major Tilley was the Army's lead advocate for soldier issues as a new administration came into office, defense transformation became a reality, and our country, and the building he worked in, were viciously attacked on September 11th, ushering in a new type of war, the Global War on Terrorism.

Yet for all that can be said about Sergeant Major Tilley and his many accomplishments, he is nothing if not the embodiment of the modern American Soldier. Sergeant Major Tilley's concern and dedication for Army soldiers reflects what the President said to soldiers at Fort Hood Texas, and I quote:

''As members of our military, you serve this nation's ideals and you demonstrate those ideals in your code and in your character. As Commander-in-Chief, I have come to know the men and women who wear America's uniform. I have seen your love of country and your devotion to a cause larger than yourself. I have seen your discipline, your idealism, and your sense of honor. I know that every order I give can bring a cost. I also know without a doubt that every order I give will be carried out with skill and unselfish courage.''

The fact that the President of the United States notices and commends Army soldiers is testimony to the hard work and dedication of people like Sergeant Major Tilley. Unquestionably, the United States possesses the

most effective and professional fighting force that the world has ever seen. The quality and caliber of Army soldiers continues to grow, despite increasing operational tempo and tremendous expectations thrust on the dedicated men and women who serve our country.

Thank you Sergeant Major Tilley for your leadership and values that have made our Army the most professional and effective fighting force in the world. Thank you for your ability to inform the Appropriations Committee on quality of life issues that impact soldiers and their families, and God's blessings to you as you begin your next great journey upon your retirement from the Army.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. HAYES. Mr. Speaker, on rollcall No. 1, I was detained due to a delay in my flight. Had I been present, I would have voted ''present.''

CONGRATULATIONS AND APPRECIATION TO STAFF SERGEANT CAROL S. MURRAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. PAYNE. Mr. Speaker, I rise today to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special person, Staff Sergeant Carol S. Murray, who has given outstanding service to our Nation and to this institution. Sergeant Murray will be honored this evening by her many friends, colleagues, and family members on the occasion of her retirement from the United States Army.

As the Non-Commissioned Officer in Charge and Administrative Supervisor of the Army's Congressional House Liaison Division since 1991, Sergeant Murray has earned an excellent reputation among members of Congress for her dedication and professionalism. I had the pleasure of getting to know Sergeant Murray when she accompanied a Congressional delegation to Haiti. She impressed me with her ability to handle with grace any situation which arose, while also showing deep respect to our host country and its residents during the diplomatic mission. I always enjoyed walking by Sergeant Murray's office in the Rayburn Building, because I knew I would be greeted with the warm, friendly smile she has for everyone. In her position, she was always willing to show newcomers the ropes, inspiring a sense of esprit d'corps which is so important for the morale of those serving in our military. In addition, whenever the Army was hosting a reception or event for a senior officer, she worked tirelessly to ensure that it was well-attended and successful.

Sergeant Murray began her career in July of 1984 after completing Basic and AIT at Fort Jackson. She served in Stuttgart as the postal clerk for 139th AG Postal, Robinson Barracks. Her exceptional performance led to other assignments, including providing primary training in office procedures and policies, and acting as a mentor for all newly assigned Military Personnel. Following her tour in Germany, she headed to Fort Bragg, North Carolina, to the XVIII Airborne Corps, where she served with the ''Fighting'' 305th AG Postal before leaving for Honduras and other numerous field deployments with the mighty 82nd Airborne Division. In January of 1988, she began working as a Postal Clerk with the 2nd Infantry Division, Camp Casey. She later worked as an Administrative Specialist to the Chief, Enlisted Records before serving as the Senior Administrative NCO for the Adjutant General's Office in the Military District of Washington.

Mr. Speaker, I know my colleagues join me in offering congratulations and best wishes for the future to Sergeant Carol Murray, a great soldier, patriot, and friend.

PERSONAL EXPLANATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. STEARNS. Mr. Speaker, on rollcall No. 1 I was unavoidably detailed and regret missing the quorum call. Had I been present, I would have voted ''present.''

REMEMBERING ROBIN EDMONDS MILLER

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. SIMMONS. Mr. Speaker, I rise to share some very sad news with my colleagues today. Robin Edmonds Miller, of Stonington, Connecticut, died on Wednesday, December 10, at the age of 52.

Robin's loss is both professional and personal, as she was a dedicated public servant and a dear friend of the Simmons family.

Robin was involved and respected in state politics, currently serving as chairperson of the Board of Mediation and Arbitration for the State of Connecticut Department of Labor. She was also serving as chairperson for the State of Connecticut Department of Administrative Services Employee Review Board.

Robin was active in social and civic affairs in the Town of Stonington, serving as the Town of Stonington Registrar of Voters. She also served as past chair, and currently vice chair, of the Stonington Town Republican Committee.

Robin Miller exemplified community action and public service. She believed that our communities, our states and our nation will function properly only when people step forward to do the hard work necessary to ensure the wheels of democracy will run smoothly. When I think of my friend I am reminded that the heart of a public servant is not measured by its size, but by the depth of commitment to make a positive contribution to the lives of others.

In addition to her parents, Robin is survived by her two children, Bianca Nardi and Curtis Miller; her siblings, Robert and Julie Edmonds of New Hampshire; and nieces and nephews.

All those who knew Robin Miller feel a profound sense of loss, but also a genuine sense of joy that we knew her.

INTRODUCTION OF THE PRESERVING MEDICARE FOR ALL ACT OF 2004

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. CARDIN. Mr. Speaker, I rise to introduce legislation to help fulfill the promise made by Congress and the President to our seniors. The ''Preserving Medicare for All Act of 2004'' begins with the framework of HR 1, which was passed in the last days of our first session. But it corrects the legislation's structural defects that will result in more harm than help for our Medicare beneficiaries.

Over the past few years, I have met with thousands of seniors in my district about Medicare and their need for prescription drug coverage. They brought me their empty pill bottles and their pharmacy receipts. With the highest out-of-pocket costs of any age group in the country, they and millions of other seniors across the nation were looking to Congress for real prescription drug coverage that would give them substantial help with their drug costs. They wanted their drug benefit to be provided like other benefits covered by Medicare—administered by the Centers for Medicare and Medicaid Services, with a guaranteed benefit, universally available regardless of where they live, for it not to jeopardize existing coverage, and yes, they wanted the choice of their own doctor and hospital and the freedom to choose a private health plan if they prefer that option.

I believe that a clear majority of the House and Senate wanted to enact legislation that met our seniors' needs. Unfortunately, the bill that moved through Congress failed to provide seniors with what they needed or expected. The plan that became law will not be administered by CMS but by private insurers. The government is prohibited from using the purchasing power of 40 million beneficiaries to lower drug prices. There will be no guaranteed benefit, but rather an ''actuarially equivalent'' benefit whose components insurance companies can manipulate to discourage high-cost seniors from enrolling. It will not be universal, because these insurers can offer different coverage in different areas of the country. It will jeopardize existing coverage; the Congressional Budget Office has estimated that 2.7 million retirees—half of whom have annual incomes of less than $30,000—will lose the drug benefits they now enjoy as a result of insufficient subsidies to employers. Under the guise of ''choice'' and ''competition,'' this bill gives an extra $12 billion to managed care plans, which are already reimbursed at rates one-fifth higher than fee-for-service Medicare. This so-called ''stabilization fund'' and a premium support demonstration project are not designed to offer choice, but instead to lure younger, healthier seniors away from traditional Medicare and into private plans. These features of the bill do not save money, according to the Congressional Budget Office's estimate. Instead, scarce dollars that could be used to provide a better drug benefit are used

to ensure profits for health plans. Those beneficiaries who remain in fee-for-service Medicare will be isolated in an underfunded program and they will see their premiums skyrocket as a result of phony ''competition.'' Finally, the new law includes a ''cost containment'' provision that actually shifts rather than contains costs. By combining the Part A and Part B Trust Funds and creating a new definition of insolvency that caps Medicare's use of general revenues at 45 percent of total Medicare costs, this provision would force government to cut benefits or raise payroll taxes if this limit is exceeded. More than any other element of the new law, this provision would undermine the entire Medicare system as we know it, shifting the burden of the program onto those least able to afford it.

The bill I am introducing today will modify these damaging aspects of the new Medicare law. First it will authorize the HHS Secretary to use the purchasing power of 40 million seniors and disabled Americans to negotiate lower drug prices. Second, it will guarantee seniors the choice of a nationally available, defined benefit within Medicare. The premium, deductible, copays and stoploss will be set by law, not by private insurers. Third, my bill will fully reimburse employers for the cost of qualified retiree drug coverage and it will permit their costs to count toward seniors' catastrophic limits. Fourth, it will repeal the premium support demonstration and help ensure that Medicare remains a national program with equal access for all seniors. Fifth, it will eliminate the ''stabilization'' fund for private health insurers and dedicate these funds to strengthening the traditional Medicare program for seniors. Finally, it will eliminate the ''cost containment'' provision of the bill, which will harm both working families, seniors, and health care providers.

Mr. Speaker, the Medicare prescription drug provisions of this bill will not take effect until 2006. We have time to fix the structural problems that prevent this law from benefitting today's beneficiaries and those who will depend on Medicare in future years. I urge my colleagues to support this effort and help keep the promises we've made to our seniors.

POSTHUMOUS TRIBUTE TO THE LATE EUGENE ''WHITEY'' WHITE, A TRACK STAR AT FLORIDA A&M UNIVERSITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to honor the late Eugene ''Whitey'' White, a legendary track star at Florida A&M University. It is indeed a sad day for the entire Florida A&M University family, particularly those involved with the Athletic Department. He will be laid to rest on Saturday, January 24, 2004 at Dade Memorial Park in his hometown of Miami, Florida.

His untimely demise this past Thursday, January 15, 2004, leaves a great void in our historic institution. He is survived by his beloved daughter La Donna, grandson Ryan Smith, sister Cora L. White, nephew Eugene Randall White, and the rest of his loving family.

Eugene White was born in Miami, Florida on December 24, 1937, the oldest of three children born to parents, Eugene and Corine White. He attended Phyllis Wheatley Elementary School and Booker T. Washington High School where he was a star athlete. He was a running back for his school's Tornadoes Football Team, and was a sprinter and relay team track member. Graduating with the Class of 1957, he was awarded a four-year scholarship to Florida A&M University where he excelled in sports, and became an acclaimed running back for the Rattlers Football Team. Upon graduation in 1962, he was drafted by the Miami Dolphins and later played for the Oakland Raiders. His illustrious football career continued as he played with the Canadian Football League.

Though he was merely a freshman, Mr. White's most salient feat in the annals of Track and Field competition was that then-Coach Pete Griffin marveled at his amazing speed by winning the 100-yard dash at the Florida A&M Relays in a record 9.4. As he went about garnering many more excellent records, he entered the South Carolina State Invitational Meet. He was clocked by six official timekeepers at an unprecedented 9.5 for the warm-up, and, before the official hundred run, Mr. White pulled a muscle. Despite this apparent debacle that would have incapacitated many an athlete, he was able to finish second, clocking in at 9.7.

White's magnificent contributions to the personal and professional growth of countless youth in his native Miami are well-known, as he was admired for his quiet spirit and loving demeanor, always exuding a great many gentlemanly virtues that endeared him to the community and to his church family. His records on the athletic field have become legendary, and they now emblazon the fond memories of countless FAMU alumni. Young men and women who came to admire his athletic prowess also found him to be a caring professional who personified an indomitable example of excellent discipline and genuine compassion for his fellowmen. His colleagues highly regarded him as a confidant and the epitome of utmost urbanity and gentlemanly behavior. Nowhere has this advocacy role played out succinctly in the lives of many youngsters than in the indelible mark he left on many students, who were inspired by him to excel both in their academic pursuits and athletic endeavors.

Indeed, our FAMU family is genuinely touched and comforted by the undaunted leadership, resilient example and personal warmth he exuded to those who came to know and admired him. This is the genuine legacy he bequeathed to those of us he left behind. In a special way, I am privileged to be a grateful alumnus of Florida A&M University, a great institution of learning graced bountifully by his remarkable contributions, both on and off campus.

HONORING DR. ESSIE L. BAILEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Great Lakes Baptist District Woman's Auxiliary of Michigan, to honor Dr. Essie L. Bailey for 33 years of dedicated service as President of the Great Lakes Baptist District Woman's Auxiliary, an auxiliary of the National Baptist Convention USA, Inc. On Saturday, January 10, 2004, the Great Lakes Baptist District Woman's Auxiliary will recognize Dr. Bailey's accomplishments during a dinner to be held at the Metropolitan Baptist Tabernacle, A.J. Pointer Family Life Center located in my hometown of Flint, Michigan.

Dr. Essie L. Bailey was born and raised in Mississippi. Upon relocating to Flint, Michigan she became a faithful member of the New Zion Missionary Baptist Church, where she is currently serving as a Sunday school teacher, leader of the Missions Union and a Deaconette. Dr. Bailey was granted an Honorary Doctorate Degree in Humanities from the Urban Bible Institute of Religious Studies. She has served the National Baptist Convention USA, Inc. as the President of the Great Lakes Baptist District Woman's Auxiliary for thirty-three years, President of the Wolverine State Baptist Woman's Auxiliary for eight years, Chairwoman of the Great Lakes Baptist District Foreign Mission Board, and Chairwoman on the District Presidents' breakfast committee. These roles have allotted Dr. Bailey with the opportunity to spread spiritual enrichment to women throughout the world. Her work has taken her to Africa, where in 1973, she served as the Great Lakes Baptist District Association General Ambassador to Africa. She also traveled on missions to Canada, and Israel. Dr. Bailey faithfully served the convention until failing health caused her to recently step down from her position as President of the Great Lakes Baptist District Woman's Auxiliary. During her tenure, Dr. Bailey was, and still is a positive religious influence within the Christian community. She is a true foot soldier for the Lord.

Dr. Bailey has received numerous accolades for her dedicated service. To name a few, she received the City of Flint Drum Major Award, Zeta Phi Beta Sorority Woman of the Year Award, and the State of Michigan Outstanding Service Award. Aside from being an outstanding leader and role model, Dr. Bailey is also a loving wife, mother and grandmother.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in honoring my constituent and friend Dr. Essie L. Bailey for her outstanding service to the Christian community.

RECOGNIZING CAROL BRILL, PH.D

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. McGOVERN. Mr. Speaker, today I honor Carol Brill, Ph.D., an exceptional woman who is retiring after serving as Executive Director of the Massachusetts Chapter of the National Association of Social Workers (NASW) for 32 years. I am proud of Dr. Brill's many accomplishments and would like to recognize her contribution to the field of social work and her community.

The overall mission of the Massachusetts Chapter of NASW, the professional organization in the field of social work, is to provide human rights, social and economic justice, and unimpeded access to services for everyone. Under Dr. Brill's leadership, the membership of the Massachusetts Chapter grew from

1,800 individuals to 8,200, its budget increased, and it established regional councils. Additionally, the Massachusetts chapter was the first in the nation to start a committee on Ethnic and Racial Affairs and a committee on lesbian/gay/bi-sexual/transgender issues. The Massachusetts Chapter was also the first to launch a Social Work Therapy Referral Service, a free clinical consultation service, and a member-to-member supervision program.

Dr. Brill's belief in the importance of social workers' active involvement in civic affairs led to the growth of social work's visibility in the advocacy world, the State Legislature, and the State administration. Dr. Brill was a founder of the Massachusetts Human Services Coalition, a major advocacy organization for more funding for human services, and she currently serves as its vice president. Dr. Brill also serves as treasurer of the Massachusetts Budget and Policy Center, an organization which fights for fairer taxation in Massachusetts, and is co-chair of the Committee to Save the Department of Social Services and Our Children.

Dr. Brill's expertise in social work ethics made her a national expert on the subject. She has been a keynote presenter, workshop leader, or panelist around the country. Dr. Brill has also provided consultation and organized in-service training courses on a variety of issues for several agencies in New England such as the Salvation Army and the Boston Public Schools.

Dr. Brill's commitment to the field of social work and the people of Massachusetts has been remarkable. Mr. Speaker, I am certain that the entire House of Representatives joins me in congratulating Dr. Brill for all that she has accomplished and in wishing her the best during retirement.

RECOGNITION OF THE J.M SMUCKER COMPANY

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. REGULA. Mr. Speaker, I rise today in recognition of the J.M. Smucker Company. The Ohio-based Smucker Company was recently ranked number one on Fortune Magazine's annual ''Top 100 Companies to Work For'' list.

Founded in 1897 in Orrville, Ohio, Smucker sold its first product—apple butter—from the back of a horse drawn wagon. Today, the company is the market leader for an array of fruit spreads, toppings, beverages and natural foods. Smucker employs some 2,430 people in the U.S. and maintains 12 manufacturing plants worldwide.

Since its inception in 1897, the Smucker Company has grown to earn a national reputation as a premier and model employer. Sustaining job security and stability for employees even through difficult economic times has been a recurring theme in the company's success. In fact, Smucker has never resorted to layoffs to cope with a lagging economy. Still, Smucker continues to enjoy great success. Sales for the company are up 91 percent from last year alone.

I applaud the J.M. Smucker Company for this recognition as an exemplary employer and I wish it continued growth and prosperity.

TRIBUTE TO DIANA POULTON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor an individual who has been a tireless supporter of education in my congressional district. My congressional district has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live. Diana Poulton is one of these individuals.

Over the last four years, Diana has been actively involved with the Science and Technology Education Partnership (STEP), a nonprofit organization dedicated to inspiring students to pursue science and technology careers. As the Honorary Chairman of STEP, I have witnessed first-hand Diana's deep commitment and dedication to building a brighter future for students in the Inland Empire.

The flagship program for STEP is the annual STEP Conference, which hosts thousands of 4th through 8th grade students at a fun-filled learning event dedicated to the exciting world of science and technology. This conference puts thousands of students in contact with some of the top science and technology companies and organizations, which they might otherwise never experience in their school career. With the increasing demands for science and technology workers and the diminished supply in our region, the STEP Conference is one of the largest in California and serves as a spark to ignite the imagination of young minds.

This successful conference takes a great amount of time and energy to plan and Diana is an integral part in the planning and execution of the event. It is not uncommon for her to work after-hours to ensure the conference will be a success. Not only is she an inspiration to the students but also to the volunteers who know they can count on her to answer their questions or help them in any way. Diana serves a vital role to the STEP organization and I commend her commitment to STEP, students and education. As a member of the Science Committee, I am thankful for people like Diana Poulton because she sets an example that will serve as a guiding light for others in the future.

Diana's tireless passion for community service has contributed immensely to the betterment of the Inland Empire in Southern California. She is part of the heart and soul of STEP and I am proud to call her a fellow community member, American and friend.

HONORING THE RUTHERFORD COUNTY CHAMBER OF COMMERCE'S 75TH ANNIVERSARY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the 75th anniversary of the Rutherford County, Tennessee, Chamber of Commerce, an organization that has helped my home country to be one of the best places in America to live.

As a member of the Chamber of Commerce and former board director, I know firsthand that the chamber can take a lot of credit for the quality of life we now enjoy in Rutherford County. Residents have an opportunity to work at good jobs and send their children to some of the best schools in the Nation, not to mention enjoy all the recreational venues in the area. The chamber's economic development efforts have paid big dividends to the county. And the chamber's advocacy for the business community has been a positive influence in the Tennessee Legislature and has helped me in my legislative efforts in Congress.

The Rutherford County Chamber of Commerce is fortunate to have had so many strong, visionary members in its ranks. Through their leadership and hard work, they have been able to attract top-notch companies to the area. Nissan, for example, is located in Rutherford County. As the largest automaker in the world under one roof, Nissan not only provided thousands of good-paying jobs to the people of Rutherford County, but it also brought countless businesses that supply the automaker with a variety of parts and services.

Through a unique public and private partnership, the Rutherford County of Chamber of Commerce has become one of the best community advocates in the Nation. As the chamber celebrates its 75 years of existence, I commend the organization for all it has done to make Rutherford County such a desirable place to live and raise a family.

RECOGNIZING THE TEMECULA CITIZEN CORPS PROGRAM FOR ITS SERVICE TO THE CITIZENS OF THE CITY OF TEMECULA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize and praise the people of the City of Temecula, who are doing their duty, as citizens, public servants, and elected officials, to make our homes and communities more secure. They have accomplished this through the Temecula Citizen Corps—an innovative new program that was inspired by President George Bush's 2002 State of the Union address. Two years ago, President Bush asked communities to take greater responsibility for their own emergency preparedness. The City of Temecula took this charge to heart and began building what has become a model program for local level homeland security concerns.

The Temecula Citizen Corps program coordinates the efforts of private citizens, neighborhood leaders, public safety agencies, and city officials, to enhance emergency and disaster preparedness. It has trained representatives from each neighborhood in the city on emergency notification methods, damage assessment, and special needs of community residents. It has also trained citizens in first aid, crime prevention, and neighborhood safety.

The program is designed to meet one of the critical homeland security needs: citizen self-sufficiency and self-reliance. In the immediate 72 hours following a disaster, emergency

management agencies are often overwhelmed and unable to deal with all the needs of the affected communities. This program trains private citizens to provide basic emergency care for their own neighborhoods in the critical time immediately following a disaster.

The Temecula Citizen Corps has achieved such impressive results that the Department of Homeland Security considers it a standard setter for local communities. It has also won widespread praise throughout the Southern California region for its efficiency and quality of training and is inspiring many other cities and communities to follow its example. Last week, the men and women of Temecula were recognized publicly by the Secretary of Homeland Security, Tom Ridge, for the excellent program they have developed.

I am extremely proud of the City of Temecula for the dedication and effort they have invested in the Temecula Citizen Corps program. I am pleased to have had this opportunity to recognize them today and I encourage my colleagues to review their program as an example of what is possible when communities decide to take responsibility for their security needs.

HONORING DIANA MASON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today in recognition of the career of my long-time friend and constituent Mrs. Diana Mason.

Diana began her career in 1963 after graduating from Diablo Valley College in Pleasant Hill, California. As a secretary in the engineering department of the United States Steel Corporation, Diana began what would be three decades of service to US Steel. Two years after her initial employment she transferred to the Industrial Engineering Department and finally in 1967 began working at the San Francisco corporate offices as secretary to the Director of Public Relations of Western States.

Diana continued her exemplary service and in 1979 was promoted to Executive Secretary to Plant Manager and returned to Pittsburg, CA. In 1986, US Steel merged with Pohang Steel Corporation of South Korea to become USS/POSCO Industries (UPI) and Diana began working as secretary to Mr. S.H. Yo, Executive Vice President of UPI.

In 1993, Diana became responsible for bringing UPI to the forefront of the community and began her new job as Manager of Community Relations. In this position she worked closely with the people and businesses of surrounding cities—Antioch, Oakley, and Brentwood.

In addition to her work for UPI, Diana supports several outreach programs including Junior Achievement, Project Read, Choices, and the Pittsburg Seafood Festival. She is also a member of the Pittsburg Chamber of Commerce and the Rotary Club.

For three decades Diana has dedicated her career to working for US Steel and later UPI. In October 2003, Diana ended her long and successful career and I would like to take the time today to congratulate her on a job well done. I will continue to enjoy my friendship with her and I have tremendous respect and appreciation for the work she has done on behalf of her company, its employees, and our community.

I encourage my colleagues in the House of Representatives to join me in acknowledging the career and dedication of Diana Mason.

RECOGNIZING THE SAN GABRIEL VALLEY NAACP AND THE CITY OF WEST COVINA FOR COMMEMORATING THE LIFE OF DR. MARTIN LUTHER KING, JR.

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. SOLIS. Mr. Speaker, I stand today to commend the work of the San Gabriel Valley National Association for the Advancement of Colored People (NAACP) and the city of West Covina for their 5th annual commemoration of the life and legacy of Dr. Martin Luther King, Jr.

Dr. King was a visionary leader who believed and dreamed of a color-blind society in America—a place where interracial and intercultural cooperation triumphs over hatred and ignorance. He helped awaken our nation's conscience of the racial injustice directed toward millions of Americans and reaffirmed our most cherished principle—the principle that all men and women are created equal.

During the 1960s, a time of great unrest, Dr. King emphasized the importance of using nonviolence to achieve social and political advancement for all people. Dr. King understood that the means of achieving your goal was as important as the goal you were trying to achieve. Although we have made great strides toward achieving greater equality and opportunity for all since his death, we as a nation and as a people are still struggling to fulfill his dream, and we must do more.

According to Coretta Scott King, the Martin Luther King, Jr. Holiday is not only a celebration of a man who brought hope and healing to America, but it is, above all, a day of service. In honor of Dr. King, let us remember to help the less fortunate, to fight against injustice, and live up to the principle of our great country.

I commend the work of the San Gabriel Valley NAACP and the city of West Covina for organizing the 5th annual celebration to pay tribute to the life and legacy of Dr. Martin Luther King Jr. Events like these remind us that Dr. King's fight is our fight, his dream is our dream, and that one day we will ''judge a person by the content of their character and not the color of their skin.'' Let us keep his memory alive through our actions and deeds.

ADDRESSING THE RECENT ''REFORM'' OF THE MEDICARE SYSTEM

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. DELAHUNT. Mr. Speaker, I rise today to address the consequences of the Medicare legislation signed into law in December of last year. I must express my profound disappointment with the outcome of a process that originally promised so much hope. Throughout 2003, there was bipartisan enthusiasm and genuine momentum for change that would safeguard the Medicare system and ensure affordable prescription drugs for every American. It seemed as if we might finally make some real progress. Sadly, the Congress—under relentless pressure from the White House and the pharmaceutical industry—squandered the opportunity of a generation.

Some have characterized the new law as ''better than nothing.'' Nothing could be further from the truth. This was bad legislation, enacted in an underhanded manner. It is extremely expensive, but does little to actually bring down out-of-pocket consumer costs. The consensus for reform was shredded in favor of a complicated system designed by lobbyists for the pharmaceutical industry.

Only a handful of congressional Members even saw the final 700-page document, made available barely an hour before floor debate. Although the bill was initially defeated after the normal 15-minute voting period, the Speaker simply refused to gavel the vote to a close. After more than three excruciating hours—the longest vote ever in the history of the U.S. Congress—he finally closed the vote only after enough arms were twisted to change the outcome. Even then, at 6 a.m. that Saturday in November, the bill passed by only five votes. And with the bill now law, the strongest defense from proponents seems to be: ''Don't worry, no one has to sign up, it's all voluntary.'' That's hardly reassuring for millions of seniors in urgent need.

Because this ''reform'' does far more to inflate the Federal budget than to help senior citizens or the Medicare program, I voted against it. There is so much wrong with this package that it's hard to know where to begin.

First, it doesn't offer much real prescription drug coverage. To enroll in the new Part D coverage, you must pay an estimated $35 monthly premium—and still meet an annual $250 deductible. Up to $2,200, you also pay 25 percent of the drug costs. After that, you face a coverage gap (the infamous ''doughnut hole'') where you pay 100 percent until costs reach $5,044. In other words, older and disabled people will have to spend nearly $4,000 for the first $5,000 of annual coverage—paying nearly 80 percent of their prescription drug costs to get any substantial benefit at all. And, these are only first-year estimates; the out-of-pocket cost is expected to rise every year thereafter.

Incredibly, however, if you participate in the new prescription drug benefit, you will not be permitted to buy any kind of supplemental insurance (like Medigap) to cover your share of the costs. Medicare will cover only drugs on a list of preferred ''formulary'' medicines; and drugs purchased outside the list will not be counted toward your deductible.

On top of all that, the new benefit doesn't even take effect until the year 2006, more than 2 years away. This fact was scarcely mentioned by the bill's proponents during the congressional debate. Seniors need help now, not cynical and uncertain promises for later.

In the meantime, the interim discount cards paraded by the administration promise only small savings for the consumer—if you can figure out how they work. It's not clear who

will offer the cards, what the discounts will be, when and for how long the cards will be available. These decisions will be driven by—believe it or not—the self-interest of pharmaceutical companies and other business entities. The potential card issuers are not required to pass along any resulting savings to consumers. Once enrolled, you must stay with the card for at least a year, even if the issuer stops discounting the medication you need.

It gets worse. This bill does not remotely pretend to address the fundamental issue: the crushing cost of prescription medication. Rather than leveraging the enormous buying power of millions of Medicare recipients, the new law actually bars market competition. And, let's be clear, this legislation was authored by partisans who swear by the catechism of the free market. As enacted, the bill explicitly prohibits Medicare from negotiating with the pharmaceutical industry for better prices and deeper discounts. We know negotiated discounts can work. When the VA negotiates on behalf of this country's veterans, their drug prices drop significantly. It is mind-boggling that 40 million seniors are being deprived—by law—of the same leverage.

Moreover, the bill blocks reimportation of U.S.-produced drugs from other countries at lower prices. It claims to allow Canadian imports, but only if the Food and Drug Administration formally certifies their safety, which is unlikely to ever happen. The FDA has already stubbornly resisted reimportation, forcing local Councils on Aging and dozens of cities and States to take matters into their own hands—although there is not a single documented case of injury resulting from U.S.-produced drugs that have been reimported from Canada.

In fairness, the bill postponed a scheduled 4.5-percent cut in physician reimbursement for Medicare services—easing fears of a wholesale abandonment of Medicare patients. The legislation will ensure physicians receive a 3-percent increase in payments over the next 2 years. However, this is not nearly enough to protect Medicare beneficiaries' access to quality health care providers. And, the bill actually complicates problems that oncologists face in getting adequate reimbursement for crucial cancer drugs and obstacles confronting patients who need access to inpatient rehabilitation facilities.

Despite the coverage limits and other shortfalls, the cost of the legislation is spectacular—projected by the nonpartisan Congressional Budget Office to exceed $2 trillion over 10 years. At the same time, homeland security and recent tax cuts have already forced dramatic increases in the Federal deficit, now almost $400 billion. That is a shocking number, especially when you consider that just three years ago, the budget was boasting a healthy surplus.

Moreover, many fear this new law could lead down a dangerous road toward privatization of Medicare and even Social Security. We saw a similar experiment fail dramatically with Medicare+Choice several years ago, when HMOs and other providers dropped out of the system as soon as costs escalated—leaving seniors to fend for themselves. This new law poses similar risks.

It breaks my heart that the Congress could not achieve real Medicare reform that addressed prescription drug costs. As I look back on my four House terms, very few votes stand out as genuinely historic in consequence. Along with Presidential impeachment and the Iraq war resolution, the vote on this bill is such a watershed moment. The White House achieved this ''victory'' by deluding seniors about the impending relief—in the process, jeopardizing hope of genuine reform in the foreseeable future.

As the House reconvenes, I will resume my work with colleagues on both sides of the partisan aisle to address problems with the new law. Older Americans have raised their voices effectively in the legislative arena before. In 1989, a deeply flawed catastrophic benefits bill was repealed. Almost a decade ago, we struggled successfully to restore Medicare cuts that savaged home health care locally and across the Nation. This time, we can expect a steep uphill battle. In his State of the Union address this week, the President vowed to veto any amendments to the new Medicare law. To amend even the most egregious provisions of this bill will require every ounce of outrage we can collectively muster. As cochair of the Older Americans Caucus, a bipartisan group of colleagues focused on issues of particular significance to seniors, please count on my continued and vigorous commitment. I am already working with key House colleagues on specific legislation to repeal the new law's barriers to drug reimportation and negotiated discounts.

HONORING CHILTON MEMORIAL HOSPITAL'S 50TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Chilton Memorial Hospital of Pequannock Township, Morris County, New Jersey, in my congressional district. Chilton Memorial Hospital is celebrating 50 years of providing excellence in community health care.

Despite its humble beginnings, Chilton's history is a proud one. This 256-bed hospital arose from the dream of Dr. Forrest Chilton II and his registered nurse wife, Betty. During World War II, when gasoline was being rationed and people in the area did not have enough for the drive to the hospital in the city of Paterson, Dr. and Mrs. Chilton set up a small maternity hospital above his office in Pompton Plains. Soon, as more and more of his thankful patients availed themselves of his services, it became clear that a full service hospital was desperately needed in this fast-growing area in northern New Jersey.

In 1947, the good doctor and his wife donated 8 acres of land to build a hospital in memory of their son, Forrest Chilton III, and other heroes who served our country and made the ultimate sacrifice for American's in World War II. That same year, Dr. Chilton formed a board of directors to help prepare a building plan. Seven years later, in 1954, thanks to the efforts of Dr. and Mrs. Chilton, the Board of Trustees, the 20 women who were the original members of the Chilton Memorial Hospital Auxiliary and 20,000 community volunteers who gave of their time and financial resources, the Chilton Memorial Hospital, with 31 employees and 50 beds, opened its doors for the first time in Pompton Plains.

Within 2 months the hospital was operating near capacity and expansion plans were already underway. In that first year, Chilton Memorial admitted 2,536 patients, delivered 787 babies and treated 3,317 people in its emergency room.

Fifty years later, Chilton Memorial's 1,400 employees and 575 associated physicians admit more than 11,000 patients each year, deliver 1,200 newborn babies, perform nearly 6,000 same day surgeries, treat 36,000 people in its state-of-the-art emergency department, and treat an additional 81,000 citizens on an outpatient basis.

Indeed, Chilton Memorial Hospital's tradition of caring and its commitment to the surrounding communities has made it one of New Jersey's best hospitals. Today, Mr. Speaker, Chilton Memorial Hospital is credited with being the first hospital in the State of New Jersey to be awarded a perfect score by the Joint Commission Accreditation of Healthcare Organizations, whose surveyors evaluate facilities and procedures at 18,000 healthcare facilities worldwide. Chilton's nursing staff has also won national acclaim for consistently receiving the highest ratings for their competence, compassion, response time, and teamwork.

The future will be no different for Chilton as it continues following in the footsteps of its founder and provides state-of-the-art healthcare to a grateful community. Services like Chilton's family-centered obstetrics program that features home-like labor, delivery and recovery rooms, its renowned pediatric care, free standing same day surgery center, and centers for pain management, endoscopy, cardiac care, sleeping disorders, sports medicine and cancer care, among others, and its strong commitment to health and wellness for older men and women, have helped build Chilton's lasting legacy as a premier quality healthcare provider.

Mr. Speaker, I ask that you and my colleagues in the House of Representatives join with me in congratulating Chilton Memorial Hospital, and all of the hospital's outstanding staff, employees, and volunteers, upon celebrating its 50th anniversary.

HONORING THE ACHIEVEMENTS OF DON SUTTON

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to recognize the achievements of one of my constituents, a 1998 Hall of Fame inductee and now a respected broadcaster for the Atlanta Braves, Mr. Don Sutton.

The Los Angeles Dodgers signed Don as an amateur free agent in 1964. He ended his career in 1998 with 324 wins and struck out 3,574 batters, while never missing his turn in the pitching rotation for the Dodgers, Astros, Brewers, Athletics and Angels.

Don, a four-time All Star and the 1977 All-Star Game MVP, reached double figures in wins in 21 of his 23 seasons and struck out over 100 batters in each of his first 21 campaigns. He pitched in four World Series and posted five career one-hit games.

Don, who never spent one day on the disabled list, kept this body and mind in tip-top

shape, enabling him to start at least 30 games in 20 of his 22 seasons.

Sutton started all but 18 of the 774 career games he pitched, which has led many current and former alltime greats to refer to him as one of the most durable and consistent players of all time. He ranks second alltime to Cy Young in games started.

Don has pitched in over 100 innings through 15 games of postseason play. He pitched in a 10–2 win for the Milwaukee Brewers in the final game of the 1982 season to defeat the Baltimore Orioles and win the American League Eastern Division title.

The tall, lean right-hander put away many of his opponents by throwing his feared fastball and signature sweeping curveball. There have been many drawn comparisons by the games top players, writers, and announcers, who have compared him to other legendary pitchers such as Bert Blyleven and Gaylord Perry. To the hearts and minds of Northwest Floridians, Don will always be second to none.

Sutton came full circle in 1988 when he retired in a Dodgers uniform. This spring, Don will begin his 15th season with the Braves, continuing his highly successful career as a broadcaster.

Don is also known as a great family man and showed his pride during his Cooperstown induction when his final thanks went to his wife, Mary, and their daughter, Jackie. Don was surrounded by many of his close friends, former teammates and coaches, including one of his best coaches, his father Howard Sutton, who taught him how to pitch.

On behalf of the United States Congress, I would like to recognize this special person, Don Sutton, for the example he has set in the sports world, his country, and for Northwest Florida. I offer my sincere thanks for all that he has done for Northwest Florida and the United States of America.

IN RECOGNITION OF CHARLES G. HAIGHT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. ROGERS of Alabama. Mr. Speaker, Spc. Charles G. Haight, 23, of Fort Lewis, Washington, died on December 26, 2003 in Iraq. Spc. Haight was a member of the Army's 14th Engineer Battalion, 555th Engineer Group based in Washington, and was killed when his vehicle struck an improvised explosive device. He is survived by his wife Michelle and his 10–month-old son of Fort Lewis, Washington. He is the son of Donald G. and Lilian Haight of Piedmont, Alabama.

Charles Haight was eager to serve his country, Mr. Speaker, and dreamed of becoming a nurse after college. He 'attended Pleasant Valley High School in Calhoun County, and was known for his musicianship in the band and his athletic ability on the football field. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Spc. Haight died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

IN HONOR OF THE GREATER JACKSON AREA CHAMBER OF COMMERCE ANNUAL DINNER AND CITIZEN AWARDS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise now to recognize an important celebration in my district and the individuals who are being recognized for their special contributions to the community. The Greater Jackson Area Chamber of Commerce, under the leadership of President Susan Milhoan, is hosting its annual awards dinner to honor its 95th year, in addition to the anniversary of the founding of the Republican Party in Jackson in 1854, and the founding of the City of Jackson 175 years ago. At this celebration, several men and women will be recognized with a variety of awards for personal achievement, character, and service to the community.

The Athena Award recognizes women who demonstrate excellence in their profession, assist other women in realizing their leadership potential, and contribute their time and efforts to improving the community. Manya D. Otis, owner of Financial Sales and Seminars, is this year's winner, and her involvement in the community includes the Rotary Club, Disability Connections, and her church.

This year's Small Business Person of the Year is Al Cavasin, owner of Great Northern Sentry Company. Since founding his business in 1991, Al has expanded the company from a humble three employees to five separate divisions. Al is an expert and author on security matters and holds seats on the Board of Directors of the National Council of Investigators and Security Specialists and the Michigan Council of Private Investigators. He is also President of the Michigan Contract Security Association.

The 2004 Youth Citizen of the Year is Anthony Ramsey, Jr., a senior at Jackson High School. In addition to being an honor roll student and a member of the football and track teams, Anthony has made time to serve on the United Way Teen Advisory Panel, the Jackson Community Foundation Youth Advisory Committee, and volunteer at the Lily Missionary Church that he attends with his family.

Finally, the Citizen of the Year award goes to Maclay ''Mac'' Gwinn. After retiring from Consumer's Energy 20 years ago, Mac has given his time and efforts to countless community organizations including the Alzheimer's Association, the Jackson County Historical Society, Big Brothers Big Sisters, and the Jackson Kiwanis Club. He is the Big Sisters Big Brothers Board President and he has his own ''little brother.'' Mac also helped form a support group for men who care for loved ones stricken with Alzheimer's disease. Other Distinguished Citizens of the Year include Nancy Seydell, Steve Volker, Lisa Lazaroff, Mary L. Miller, and Bob Richardson.

I am very pleased to stand here today before my colleagues in the U.S. Congress to recognize these important milestones in the Jackson community as well as all of these great citizens. Each person is a wonderful role model who has expended a great deal of effort on behalf of the community in a selfless and humble manner. I challenge us all to strive to match their level of commitment and dedication.

COMMENDING SCOTT MALAN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. ENGLISH. Mr. Speaker, I rise today to commend a true advocate for Pennsylvania's hospitals and patients. For over twenty-five years Scott Malan has tirelessly advocated for increasing the quality of health care available to Americans. He has done so quite successfully, Mr. Speaker.

Most recently, Mr. Malan served as vice president for legislative services at the Hospital Association of Pennsylvania. In this capacity, Mr. Malan directed federal advocacy campaigns, saving Pennsylvania hospitals hundreds of millions of dollars and increasing the quality of care for Pennsylvanians. Mr. Speaker, I had the pleasure of working with Mr. Malan on numerous initiatives over the past few years. In fact, we worked closely to include in the Medicare Prescription Drug, Improvement and Modernization Act of 2003 provisions which will ensure that Pennsylvania hospitals in rural areas are able to continue to provide quality care to Pennsylvanians. We also worked to include provisions to increase indirect graduate medical education payments to hospitals in order to ensure Americans have access to the most innovative care available. Mr. Speaker, due to Mr. Malan's diligent efforts and the steadfast work of the Pennsylvania congressional delegation, these provisions will be signed into law today by President Bush.

While it may seem, Mr. Speaker, that Mr. Malan is at the top of his game, in fact he is currently soaring to new heights. Mr. Malan has brought the expertise and knowledge he has amassed over the past twenty-five years to Triad Strategies, one of Pennsylvania's largest government relations firms. While at Triad Strategies, Mr. Malan will undoubtedly continue to advance policies which will enrich the lives of every American by working to ensure affordable, quality health care in this country.

Mr. Speaker, I wish Mr. Malan the best in his future endeavors and thank him for the dedication he has displayed over the past years to making the lives of my constituents better.

RECOGNIZING THE 100TH ANNIVERSARY OF HIRTH PLUMBING AND HEATING COMPANY IN BELLEVILLE, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of Hirth Plumbing and Heating Company in Belleville, Illinois.

Throughout 2004, Hirth Plumbing and Heating Company will celebrate its 100-year Anniversary. On January 15, 1904 George Hirth founded the company in Belleville, Illinois. Mr. Hirth owned and operated the company until his death in 1932.

The company then passed ownership and operation to George Hirth's daughter Mame ''Hirth'' Neuf and her husband Arthur Nuef Jr. until their retirement. The company was then owned and operated by Elizabeth Anne ''Nuef'' Terschluse and her husband Herbert E. Terschluse Jr.

Today, Hirth Plumbing and Heating is in its fourth generation of ownership and is operated by Stephen, David and James Terschluse. The company employs 40 people and operates as a plumbing, heating and air conditioning contractor serving the entire metro east with a customer base of over 9000. Hirth has offices in Alton, Collinsville, Columbia, Edwardsville, Freeburg, Granite City, Mascoutah, Jerseyville and New Athens, Illinois and they continue to maintain their home office operations in Belleville, Illinois.

Hirth Plumbing & Heating Company has been in continuous operation by the same family since 1904, providing prompt, professional and courteous service to their customers, family, friends and neighbors.

Mr. Speaker, I ask my colleagues to join me in recognizing the 100th Anniversary of Hirth Plumbing and Heating Company in Belleville, Illinois.

CELEBRATING DEARBORN'S 75TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. DINGELL. Mr. Speaker, I rise today to acknowledge, honor and celebrate the City of Dearborn on the occasion of its 75th Anniversary. Incorporated on January 9, 1929, Dearborn's roots as a community date to the mid-19th century. With a balanced mix of commercial, industrial and residential development sewn together by progressive city leaders, excellent schools and a unique sense of civic pride, Dearborn is the epitome of a successful American community.

Modern day Dearborn was created by the consolidation of Dearborn and Fordson cities and Dearborn Township. Henry Ford had a significant attachment or interests in all three jurisdictions and was an important advocate of the consolidation. The area that had served principally as the Detroit Arsenal between 1833–1875, was now poised to take on an identity all its own.

In the 1920 census, the villages of Dearborn and Springwells (renamed Fordson) had a combined population of less than 5,000 residents. It was between these two villages that Henry Ford built the Ford Rouge Complex, at which more than 85,000 men would one day work simultaneously. Such burgeoning manufacturing combined with the unheard of salary of $5 per day attracted workers literally from throughout the world to the newly formed city of Dearborn.

Such cultural diversity, coupled with Ford's benevolence, helped shape the newly formed city of Dearborn into a model of prosperity, civic virtue and individual opportunity. Dearborn has always provided its citizens with exemplary public service. Dearborn's reputation for public safety and education is second to none. Its residents have transcended cultural, ethnic and religious customs to form strong neighborhood associations that further contribute to the quality and diversity of living in Dearborn.

Dearborn continues to thrive today as a result of such active involvement and partnership from its corporate and individual residents alike. Today, Dearborn is home to colleges and universities, hospital facilities, appealing and expansive shopping areas and business districts, the Henry Ford: America's Greatest History attraction, the Automotive Hall of Fame as well as countless restaurants and numerous specialty and boutique shops.

Mr. Speaker, I ask that all of my colleagues join me in honoring Dearborn on its 75th Anniversary. The city of Dearborn is home to vibrant and stable neighborhoods, significant industrial production, cultural and artistic attractions and commercial business opportunities. Taken collectively, in celebrating Dearborn's 75th anniversary, we are really celebrating all the best that America represents.

HONORING RICK KNAPP, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Rick Knapp, who is being honored on the occasion of his retirement as District 1 Director of Transportation, California Department of Transportation.

Rick Knapp began his career with the California Department of Transportation in 1962. A graduate of the University of Nevada with a Bachelor of Science degree in Civil Engineering, Rick Knapp accepted a position with the Division of Highways, District 1, in Eureka, California.

In November 1966, he entered the United States Army and served in Vietnam where he designed bridges to replace those destroyed in combat. After two years in the Army, Rick Knapp returned to his engineering duties in Eureka. In 1972, he took a promotion as a Project Design Engineer in Los Angeles. In 1973, he joined the Division of Transportation Planning to help develop the first California Transportation Plan.

In 1979, Mr. Knapp returned to Eureka and in 1994 he became the Director of the 1st District, a region that includes the four northern counties of Del Norte, Humboldt, Lake and Mendocino. Immediately after his appointment as District Director, he was faced with the biggest earthquake and the most severe winter storm damage in the District in 30 years. With 18 of 23 state highways closed one or more times during the winter, Knapp and his team faced the colossal challenge of restoring and improving the highway system. After directing the repair of 400 damaged locations during difficult winter conditions, Knapp undertook a new program to correct perennial winter road closure locations.

During his tenure as Director, Rick Knapp's accomplishments include the widening and realignment of a two-mile high collision segment of U.S. Route 101 at Gushing Creek through the Redwoods near Crescent City. By securing emergency funding, Knapp made it possible to proceed with the project to relocate Route 101 at the Confusion Hill landslide that will establish a safe and reliable highway at this critical location. As Chair of the Context Sensitive Solutions Steering Committee, he developed a policy for the State of California that promoted flexibility in design and led to new state guidelines on State Highway Main Streets. In May 2003, Rick Knapp received the Charles H. Purcell Award from the California Transportation Foundation for excellence in engineering management.

An avid cyclist, Rick Knapp helped form the Humboldt Bay Bicycle Commuters Association. He was born and raised in Garberville, California. He is married to Jean Hawthorne and has two grown children, Angela and Randy Knapp.

Mr. Speaker, it is appropriate at this time that we recognize Rick Knapp for his commitment and dedication to his profession and for his 35 years of service to the people of California. We wish him happiness and much deserved rest in his retirement.

TRIBUTE TO CAPTAIN KEVIN SHAUGHNESSY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. WELLER. Mr. Speaker, I rise today to honor Captain Kevin Shaughnessy, who is retiring from the Illinois State Police after 25 years of service.

Captain Shaughnessy entered the Illinois State Police Academy in June of 1978 and was assigned to the Division of Criminal Investigations, Financial Fraud, and Forgery Unit. In 1988, he was promoted to Master Sergeant and became the Squad Supervisor of the Financial Fraud and Forger Unit. From 1986 to 1993, Captain Shaughnessy achieved many successes in his career. He was responsible for coordination and supervision of a multi-agency Fugitive Investigation Strike Team consisting of personnel from the Cook County Sheriff's Police and United States Marshall's Service. The Captain was also responsible for the implementation and administration of a 600,000 grant to investigate welfare fraud in Illinois. Under his supervision, the ISP Firearms/Fugitive Task Force successfully executed ten major round-ups of firearm fugitives. In 1995, Kevin was promoted to Lieutenant and assigned to the District Chicago as Commander of the South Suburban Major Crimes

Task Force. In 1999, Kevin was promoted to Captain and named Commander of District 5 Joliet.

Captain Shaughnessy has received many decorations during his career including the Illinois State Police Director's Award of Honor and the Director's Award of Merit. In 2002, the Captain received the M.A.D.D. Officer of the year for Will County. During his career, Captain Shaughnessy has instructed over 3,000 Law Enforcement Officers on a variety of topics.

Captain Shaughnessy and his wife, Colleen are the proud parents of three children, Ryan, Kelly and Mary Beth. Friends of the Captain say he is an avid golfer and can often be found on his favorite golf course.

Mr. Speaker, I urge this body to identify and recognize other persons in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

COMMEMORATING THE LIFE AND SERVICE OF REV. LUTHER VINCENT LAITE III

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. WELDON of Florida. Mr. Speaker, I rise to commemorate the life and service of Rev. Luther Vincent Laite III. Rev. Laite, a pastor and disabled American veteran of the United States Navy. Rev. Laite died on December 7, 2003, of complications from asbestosis, a disease contracted while serving his country in the U.S. Navy.

Rev. Laite honorably served his country for six years aboard the USS *Goldsborough,* and was honorably discharged in 1984.

Rev. Laite served as a pastor for 19 years in Brevard County, Florida. At the time of his death, Rev. Laite was the Senior Pastor of Christian Life Family Church of Brevard.

As a result of Luther's belief that churches must be involved in the life of the community, many women and children in need were helped. There was always room at the Laite family table or in the Laite house for those who had no other place to go.

Luther served on the board of the Protestant Ministries of Florida Institute of Technology and was National Director of Life Coalition International, an international pro-life ministry.

Luther is survived by his wife, Patti; seven children, Lydia Baker, Luther V. Laite IV, Audra Laite, Amanda Laite, Jesse Laite, Josiah Laite and Jonathan Laite; grandchildren, Zechariah Baker and Ethan Baker; his loving parents Luther and Peggy Laite and sister Vicky Stites, her children and grandchildren.

Several hundred people from all over the Nation attended the Luther Vincent Laite III memorial service that was held at Truth Revealed Ministries, Palm Bay, Florida, on December 13, 2003. Burial services were held at the Military Cemetery in Bushnell, Florida on December 15, 2003.

As quoted in Matthew 25:21, ''Well done, good and faithful servant! You have been faithful with a few things; I will put you in charge of many things. Come and share your Master's happiness.''

Indeed, Rev. Laite will be remembered by those who loved him as a faithful family man, devoted pastor and loyal friend. Our thoughts and prayers are with his family and friends. We will all miss him.

IN RECOGNITION OF THE QUEEN MARY II

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Mr. SHAW. Mr. Speaker, on Monday, January 26, 2004, the world's newest and grandest passenger cruise ship, the Queen Mary II, makes its first international port of call to one of the world's premier cruise ports, Port Everglades located in beautiful Fort Lauderdale, Florida. The Queen Mary II embarked on its two-week maiden voyage on Monday, January 12 following an extraordinary send-off amid fireworks and hundreds of well wishers from its home port of Southampton, England.

Named after her Royal Majesty Queen Elizabeth II, the Queen Mary II is a state-of-the-art, luxury passenger vessel. In fact, the Queen Mary II is 1,132 feet in length, 236 feet in height, top speed of approximately 30 knots, and includes a crew of 1,253 and maximum capacity of 2,620 passengers. An impressive list of vital statistics.

It is a great privilege to have the Queen Mary II and her crew visit Fort Lauderdale. Port Everglades remains one of the nation's busiest ports in both commercial and passenger traffic. Port Everglades has become a major embarkation point along the east coast. In 2003, Port Everglades experienced 3,072,343 passengers through its cruise ship terminal generating more than $89 million in total annual operating revenue. The continued success of Port Everglades is a testament to the financial commitment of the Broward County Board of County Commissioners and the stewardship of Port Director Ken Krauter.

Port Everglades is the port of call for more than 5,400 ships. Port Everglades is home to a number of seasonal or year-round ships representing a wide array of cruise lines; including Carnival, Celebrity, Costa, Crystal, Cunard, Holland America, Imperial Majesty, Mediterranean Shipping, Orient, Princess, Radisson Seven Seas, Regal, Royal Caribbean International, Seabourn and Silversea.

Mr. Speaker, on behalf of Broward County, Port Everglades, and the residents of South Florida, I welcome the Queen Mary II, Captain Ron Warwick, and crew to Fort Lauderdale on the occasion of entering their first port of call, and wish her and her crew many years of calm and safe seas on the many journeys across the Atlantic.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 22, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 27

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the current situation regarding the discovery of a case of bovine spongiform encephalopathy in Washington State as it relates to food safety, livestock marketing, and international trade.
SD–106

10 a.m.
Budget
To hold hearings to examine the CBO budget and economic outlook.
SD–608

Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the fee structure of mutual funds that may lead to conflicts of interest, mislabeled costs and other practices in the industry that may be harmful to investors.
SD–342

Judiciary
To hold hearings to examine a proposed constitutional amendment to guarantee a functioning Congress, with respect to the continuity of the United States government.
SD–226

Aging
To hold hearings to examine retirement planning.
SD–628

10:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine health issues.
SD–430

2:30 p.m.
Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine seaport security since September 11, 2001.
SD–226

JANUARY 28

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine NASA's future space mission.
SR–253

10 a.m.
Judiciary
To hold hearings to examine the nomination of Franklin S. Van Antwerpen, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.
SD–226

10:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine health issues relating to health care costs and the uninsured.
SD–430

JANUARY 29

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine current investigations and regulatory actions regarding the mutual fund industry.
SD–538

FEBRUARY 3

9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization request for Fiscal Year 2005 and the future years defense program.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine fund operations and governance relating to current investigations and regulatory actions regarding the mutual fund industry.
SD–538

FEBRUARY 10

9:30 a.m.
Armed Services
To resume hearings to examine the Defense Authorization request for Fiscal Year 2005 and the future years defense program.
SR–325

FEBRUARY 24

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Disabled American Veterans.
SH–216

MARCH 4

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Jewish War Veterans, and the Blinded Veterans Association.
345 CHOB

MARCH 10

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

MARCH 18

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Air Force Sergeants Association, the Retired Enlisted Association, Gold Star Wives of America, and the Fleet Reserve Association.
345 CHOB

MARCH 25

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.
345 CHOB

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S61–S125

Measures Introduced: Six bills and four resolutions were introduced, as follows: S. 2010–2015, and S. Res. 285–288. **Page S108**

Measures Passed:

50th Anniversary of Rock 'n' Roll: Senate agreed to S. Res. 285, recognizing 2004 as the ''50th Anniversary of Rock 'n' Roll''. **Pages S61–62**

Authorizing Legal Representation: Senate agreed to S. Res. 286, to authorize legal representation in United States of America v. Parvis Karim-Panahi. **Page S122**

Commending the Southern University and A&M College of Baton Rouge Jaguars: Senate agreed to S. Res. 287, commending the Southern University and A&M College of Baton Rouge Jaguars for being the Sheridan Broadcasting National Black College Champions, the American Sports Wire National Black College Champions, and the MBC/BCSP National Black College Champions. **Pages S122–23**

Commending the Louisiana State University Tigers: Senate agreed to S. Res. 288, commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game. **Page S123**

Recognizing and Congratulating the East Boynton Beach, Florida, Little League team: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 273, recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions, and the resolution was then agreed to. **Page S123**

Agriculture Appropriations Act (Omnibus Appropriations)—Conference Report: Senate continued consideration of the conference report to accompany H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004. **Pages S66–S104**

A unanimous-consent agreement was reached providing for further consideration of the conference report at 9:30 a.m., on Thursday, January 22, 2004 and that there then be 4½ hours equally divided between the Chairman and Ranking Member of the Appropriations Committee or their designees for debate only; that following the use or yielding back of that debate time, the motion to proceed and the motion to reconsider the failed cloture vote be agreed to; and the Senate vote on the motion to invoke cloture and that if cloture is invoked, the Senate then immediately proceed to a vote on the adoption of the conference report. **Page S104**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following protocol:

Additional Protocol Amending Investment Treaty with Bulgaria (Treaty Doc. No. 108–15).

The protocol was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S123–24**

Appointments:

Veterans' Disability Benefits Commission: The Chair announced the following appointment made on January 6, 2004, during the sine die adjournment:

Pursuant to the provisions of Public Law 108–136, on behalf of the Democratic Leader, the appointment of the following individuals to serve as members of the Veterans' Disability Benefits Commission: Mike O'Callaghan of Nevada and Rick Surratt of Virginia. **Page S61**

Nominations Received: Senate received the following nominations:

Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Gay Hart Gaines, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Stephen L. Johnson, of Maryland, to be Deputy Administrator of the Environmental Protection Agency.

Charles Johnson, of Utah, to be Chief Financial Officer, Environmental Protection Agency.

Bradley D. Belt, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2008.

Fayza Veronique Boulad Rodman, of the District of Columbia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

Clark Kent Ervin, of Texas, to be Inspector General, Department of Homeland Security (New Position), to which position he was appointed during the last recess of the Senate.

Cynthia Boich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007.

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007 (Reappointment), to which position she was appointed during the last recess of the Senate.

Henry Lozano, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2006.

Ronald E. Meisburg, of Virginia, to be a Member of the National Relations Board for the term of five years expiring August 27, 2008.

Robert Lerner, of Maryland, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

Raymond Simon, of Arkansas, to be Assistant Secretary for Elementary and Secondary Education.

1 Air Force nomination in the rank of general.
2 Army nominations in the rank of general.
1 Marine Corps nomination in the rank of general.
2 Navy nominations in the rank of admiral.
A routine list in the Army. **Pages S124–25**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Mark C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development for a term of five years, which was sent to the Senate on June 12, 2003. **Page S125**

Measures Placed on Calendar: **Page S108**

Additional Cosponsors: **Pages S108–09**

Statements on Introduced Bills/Resolutions: **Pages S109–22**

Additional Statements: **Pages S107–08**

Notices of Hearings/Meetings: **Page S122**

Authority for Committees to Meet: **Page S122**

Adjournment: Senate convened at 10 a.m., and adjourned at 5:37 p.m., until 9:30 a.m., on Thursday, January 22, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S124.)

Committee Meetings

(Committees not listed did not meet)

NORTH KOREAN NUCLEAR DEVELOPMENTS

Committee on Foreign Relations: Committee concluded a hearing on North Korean Nuclear Developments, after receiving testimony from Siegfried Hecker, Los Alamos National Laboratory, Los Alamos, New Mexico.

House of Representatives

Chamber Action

Measures Introduced: 15 public bills, H.R. 3712–3726; 1 private bill, H.R. 3727; and 6 resolutions, H.J. Res. 86 and H. Res. 496–500, were introduced. **Pages H88–89**

Additional Cosponsors: **Pages H89–90**

Reports Filed: No reports were filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Simmons to act as Speaker pro tempore for today. **Page H39**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring the contributions of Catholic schools: H. Res. 492, honoring the contributions of Catholic schools, by a ⅔ yea-and-nay vote of 398 yeas to 1 nay, Roll No. 2; **Pages H40–44, H58**

Sense of the House regarding the benefits of mentoring: H. Res. 491, honoring individuals who are mentors and supporting efforts to recruit more mentors, by a ⅔ yea-and-nay vote of 397 yeas with none voting "nay", Roll No. 3; **Pages H44–48, H58–59**

Recognizing the achievements related to the Mars Exploration Rover Mission: H. Res. 490, recognizing and commending the achievements of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory, and Cornell University in conducting the Mars Exploration Rover mission, and recognizing the importance of space exploration, by a ⅔ yea-and-nay vote of 389 yeas with none voting "nay", Roll No. 4; and **Pages H48–52, H59–60**

Agreeing with the Senate on S. Res. 281: H. Res. 489, stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281, by a ⅔ yea-and-nay vote of 394 yeas with none voting "nay", Roll No. 5. **Pages H52–57, H60**

Committee Election Vacated: Read a letter from Representative Gonzalez wherein he announced his resignation from the Committees on Financial Services and Small Business, and the Select Committee on Homeland Security, effective January 20, 2004. **Page H61**

Committee Election: Agreed to H. Res. 495, electing Representative Gonzalez to the Committee on Energy and Commerce. **Page H61**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 10 a.m. on Friday, January 23, 2004, and further that when it adjourn on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 27 for morning hour debate. **Page H62**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, January 28, 2004. **Page H62**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Thornberry to sign enrolled bills and joint resolutions through Tuesday, January 27, 2004. **Page H62**

Advisory Committee on Student Financial Assistance: Read a letter from the Speaker wherein he appointed Mr. Robert Shireman of Oakland, California to the Advisory Committee on Student Financial Assistance. **Page H87**

Message from the Clerk: Read a letter from the Clerk wherein he notified the House that he received a message from the Senate on Tuesday, January 20, 2004. **Pages H57–58**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H58, H58–59, H59–60, and H60. There were no recorded votes or quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:44 p.m.

Committee Meetings

USDA'S BSE RESPONSE

Committee on Agriculture: Held a hearing to review the USDA's Bovine Spongiform Encephalopathy (BSE) Response. Testimony was heard from Ann M. Veneman, Secretary of Agriculture.

RESERVE COMPONENT HEALTHCARE

Committee on Armed Services: Subcommittee on Total Force held a hearing on Reserve Component Healthcare: Medical Holdovers in Current and Future Deployments. Testimony was heard from the following officials of the Department of the Army: Sgt. Craig Allen LaChance, USA, Medical Holdover Company; and Col. John M. Kidd, USA, Garrison Commander, Third Infantry Division (Mechanized), both at Fort Stewart, Georgia; Col. Keith Armstrong, USA, Garrison Commander, Fort Knox, Kentucky; Lt. Gen. James B. Peake, USA, Surgeon General; Daniel Denning, Principle Deputy Assistant Secretary, Manpower and Reserve Affairs; and Lt. Gen. Joseph R. Inge, USA, Commanding General, First Army; the following officials of the Department of the Navy: Vice. Adm. Michael L. Cowan, USN,

Surgeon General; and Rear Adm. John M. Stewart, Jr., USN, Deputy Commander, Navy Personnel Command; and public witnesses.

REPORT—SPECIAL EXAMINATION OF FREDDIE MAC

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing on the OFHEO's report of the Special Examination of Freddie Mac. Testimony was heard from Armando Falcon, Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Human Development; and Martin F. Baumann, Chief Financial Officer, Freddie Mac.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 2844, Continuity in Representation Act of 2003; H.R. 1997, Unborn Victims of Violence Act of 2003; H.R. 3261, Database and Collections of Information Misappropriation Act; and H.R. 2391, Cooperative Research and Technology Enhancement (CREATE) Act of 2003.

CAN U.S. COMPANIES COMPETE GLOBALLY USING AMERICAN WORKERS?

Committee on Small Business: Held a hearing on Can U.S. Companies Compete Globally Using American Workers? Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 22, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine avoiding conflicts of interest at the National Institutes of Health, 9:30 a.m., SD–192.

Committee on Armed Services: to hold a closed briefing regarding ongoing military activities in Iraq and Afghanistan, including other areas of interest, 9:30 a.m., SR–222.

Committee on the Judiciary: to hold hearings to examine the nominations of Raymond W. Gruender, of Missouri, to be United States Circuit Judge for the Eighth Circuit, Ricardo S. Martinez, to be United States District Judge for the Western District of Washington, Gene E. K. Pratter, to be United States District Judge for the Eastern District of Pennsylvania, and Neil Vincent Wake, to be United States District Judge for the District of Arizona, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Thursday, January 22

Senate Chamber

Program for Thursday: Senate will continue consideration of the conference report to accompany H.R. 2673, Agriculture Appropriations Act (Omnibus Appropriations) and that there then be 4½ hours equally divided between the Chairman and Ranking Member of the Appropriations Committee or their designees for debate only; that following the use or yielding back of that debate time, the motion to proceed and the motion to reconsider the failed cloture vote be agreed to; and the Senate vote on the motion to invoke cloture and that if cloture is invoked, the Senate then immediately proceed to a vote on the adoption of the conference report.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, January 23

House Chamber

Program for Friday: The House will meet at 10 a.m. in pro forma session.

Extensions of Remarks, as inserted in this issue

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Congressional Record

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