



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, TUESDAY, JANUARY 27, 2004

No. 6

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 27, 2004.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

THE U.S. MUST DO MORE TO FIGHT CHILD HUNGER

Mr. MCGOVERN. Mr. Speaker, on December 11, 102 Members of Congress sent a bipartisan letter to President Bush asking him to restore the original funding level for the George McGovern-Robert Dole International Food for Education Program when he submits his fiscal year 2005 budget next week.

The McGovern-Dole program began as a \$300 million pilot program in 2001. It provided at least one nutritious meal each day to nearly 7 million children in 38 countries. The catch? These children

had to attend school in order to get the meals.

Providing food to malnourished children in schools is one of the most effective strategies to fight hunger and poverty. Where programs are offered, enrollment and attendance rates increase significantly, particularly for girls. Instead of working or searching for food to combat hunger, children have the chance to go to school. Providing food at school is a simple but effective means to improve literacy and help poor children break out of poverty.

The McGovern-Dole program helps us to achieve many of our foreign policy goals and communicates America's compassion to those around the world. And at the end of the day, it will ultimately triumph over poverty and terror.

One year ago, in February 2003, the U.S. Department of Agriculture evaluated this program, and the conclusions were overwhelmingly positive. In addition to significantly reducing the incidence of hunger among school-age children, the program was also found to promote educational opportunity, especially for girls, among some of the poorest populations in the world.

Sadly, in fiscal year 2003, McGovern-Dole received only \$100 million in funding, reducing the number of children served to scarcely more than 2 million worldwide in just 28 countries. In fiscal year 2004, President Bush only asked for \$50 million, and acting under severe budget constraints, this is what Congress provided. In brief, for fiscal year 2004, the United States will literally be taking food out of the mouths of yet another 1 million hungry children and forcing many of their families to remove them from school.

The senior Senator from Kansas and the chairman of the Senate Intelligence Committee, PAT ROBERTS, has stated on a number of occasions his belief that the McGovern-Dole program

serves our national security interests by attacking the breeding grounds of terrorism, hunger, poverty, ignorance, and despair, while at the same time ensuring that children are fed in settings where they receive a quality education rather than hate-filled indoctrination. But rather than expanding this program to reach even more school-age children, to help stabilize communities devastated by HIV/AIDS, and to support HIV/AIDS orphans so that they might contribute to the future of their nations rather than burden them, we cut this program once again.

On November 26, the United Nations Food and Agriculture Organization released its 2003 report on hunger. It found that after falling steadily during the 1990s, hunger is again on the rise. In the developing world, the number of malnourished people grew by an average of 4.5 million a year for the past 3 years. The report also found that hunger exacerbates the AIDS crisis, drives rural people into the cities, and forces women and children to trade sex for food and money.

Yet over the past 3 years, we have cut funding for the McGovern-Dole school feeding program so that it is now one-sixth of what it once was. This means that 84 out of every 100 children we were feeding and schooling under this program in 2001 have been cut off from this food source. They now either go to school hungry or have once again dropped out of school.

Mr. Speaker, this is a disgrace, plain and simple.

Mr. Speaker, we are going in the wrong direction, not just for the children of the world, but for the security of our Nation. If as a nation we are committed to defeating terrorism, then we must increase and fully fund programs like McGovern-Dole, along with other food aid and development programs.

If as a nation we are committed to addressing hunger, poverty, illiteracy,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H101

and ignorance, then we must increase and restore full funding to the McGovern-Dole program and our other food aid and development programs.

And if we, as a nation, are committed to helping educate the children of the world, especially girls, then we must increase and restore full funding to the McGovern-Dole program.

Mr. Speaker, I call on President Bush and the congressional leadership to restore full funding in fiscal year 2005 to the George McGovern-Robert Dole International Food for Education Program. It is truly a matter of life or death.

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

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

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

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

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

In February 2003, the U.S. Department of Agriculture evaluated the McGovern-Dole pilot program and found significant positive results. Specifically—

“The results to date show measurable improvements in school enrollment, including increased access by girls. In projects involving more than 4,000 participating schools, the WFP reports an overall enrollment increase exceeding 10 percent, with an 11.7 percent increase in enrollment by girls. The PVO’s report an overall enrollment increase of 5.75 percent in GFE-participating schools. In some projects, increases in enrollment were as high as 32 percent compared with enrollment rates over the previous three years.” (USDA, The global Food for Education Pilot Program: A Review of Project Implementation and Impact, page 2, February 2003)

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

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

Sincerely,

James P. McGovern, Frank Wolf, Jo Ann Emerson, Marcy Kaptur, Doug Bereuter, Tom Lantos, Earl Pomeroy, Amo Houghton, Barbara Lee, Sam Graves, Edolphus Towns, Don Manzullo, Vic Snyder, Jim Leach, Tammy Baldwin, Christopher Smith (NJ), Marty Meehan, Doc Hastings (WA), Dennis Moore, George Nethercutt, John Olver, Jerry Moran (KS), Bennie G. Thompson (MS), Todd Tiahrt, Adam Schiff, David Price, Maurice Hinchey, James Oberstar, Betty McCollum, William Delahunt, Bob Filner, Jan Schakowsky, Sheila Jackson Lee, Leonard Boswell, Gary Ackerman, George Miller, Dale Kildee, Julia Carson (IN), Albert Wynn, Carolyn Maloney, Bobby Rush, Diana Christensen, Raul M. Grijalva, Bob Etheridge, Pete Stark, Jim McDermott, Jim Matheson, Jerry Costello, Mike Capuano, Joseph Crowley, Susan Davis (CA), Rosa DeLauro, Martin Frost, Rick Larsen (WA), Sander Levin,

Ed Markey, John Tierney, Lynn Woolsey, Donald Payne, Hilda Solis, Mike McNulty, Elijah Cummings, Mike Doyle, Joseph Hoeffel, Lucille Roybal-Allard, Bernie Sanders, Sam Farr, Neil Abercrombie, Jim Marshall, Charles Gonzalez, Ruben Hinojosa, Eleanor Holmes Norton, Earl Blumenauer, Robert Wexler, Rob Andrews, Madeleine Z. Bordallo, Jose Serrano,

Maxine Waters, Lane Evans, Barney Frank, Ron Kind, Sanford Bishop, Jr., Sherrod Brown (OH), Henry Waxman, Steve Rothman, Nancy Pelosi, Dennis Kucinich, Tom Allen, Jim Moran (VA), Rick Boucher, Brad Sherman, Carolyn Kilpatrick, Lois Capps, Karen McCarthy, Patrick Kennedy (RI), Jane Harman, Alcee Hastings (FL), William Jefferson, Chris Van Hollen, Chaka Fattah, Stephen Lynch, Charles Rangel.

IMMIGRATION REFORM NEEDED IN MEXICO

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

Mr. STEARNS. Mr. Speaker, good afternoon. With our Nation’s dedication to homeland security after the horrors of September 11, most citizens believe today that it is time to strengthen, secure our borders and reform our immigration policies.

It appears that some type of reforms are on the horizon. And reforms are needed. Many of us on this floor believe that above all else, we should enforce our immigration laws that are currently on the books. It is the men and women who stand on our borders today, enforcing these laws every day, but they may be confused. Unsure of their relevance, border agents are now questioning why they must fight each day to secure our borders in light of the proposed “guest worker” program.

This program was to help Mexico’s President Fox as part of a large amnesty plan that has been in the works since September 11 after the terrorist attacks. But, Mr. Speaker, a question could be asked, why are we rewarding a country that has been opposed to our war on terror?

According to the Subcommittee on Social Security of the House Committee on Ways and Means, benefits paid to retirees will exceed revenues in just 15 years. The pay-as-you-go system could have serious financial problems in the year 2030. These projections do not take into account the economic impact of the “guest worker” proposal, which would allow untold millions of illegal aliens from Mexico to collect benefits for themselves and their families from their home country without having to work the required number of years that law-abiding citizens must work to be eligible for these same payouts.

The deal may cost overburdened U.S. taxpayers over the next 20 years also. Supporters of this “guest worker” program call this program, “totalization.” I am not sure what they mean. But, this proposed agreement could be thought of as a transfer of wealth from those who play by the rules the American way to those who willingly and knowingly mock our own immigration and tax laws.

Mr. Speaker, I believe it is time for Mr. Fox, the President of Mexico, to look to his own country for reform instead of his continuing to lobby to change U.S. policy. Vital reforms in Mexico will break down the barriers to economic growth and provide more and better opportunities for the people of Mexico. Similar reform in other regional countries will reduce the incentives to make the difficult trek into our country. The President’s plan, although convenient, merely, I believe, postpones our reckoning with a situation in which over 8 million people are here illegally.

I certainly hope that the administration will take a hard look at this “guest worker” program that is being proposed and perhaps look for real immigration reform first, and that, Mr. Speaker, could start with reform in the state of Mexico.

NEW CBO DEFICIT NUMBERS

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

Mr. PALLONE. Mr. Speaker, yesterday the nonpartisan Congressional Budget Office once again confirmed that President Bush is the most fiscally irresponsible President in our Nation’s history. Yesterday CBO forecast a budget deficit for the 2004 fiscal year of \$477 billion, the largest deficit in history. Furthermore, CBO said the overall Federal deficit will total nearly \$2.4

trillion over the next decade. That is nearly \$1 trillion worse than what CBO forecast last fall.

After the estimates were released, Treasury Secretary John Snow commented from London that the administration remains committed to deficit reduction, stating, "Make no mistake; President Bush is serious about the deficit."

Mr. Speaker, who is Secretary Snow trying to fool? President Bush being serious about the deficit? This is the same President Bush who inherited a \$5.6 trillion surplus from President Clinton. Over the past 3 years, thanks mainly to three large tax breaks primarily benefiting America's millionaires, President Bush has presided over an \$8.5 trillion fiscal collapse.

And our Nation's fiscal situation could get even worse this year if Congress continues to listen to President Bush and the House Republican leadership. That is because CBO's estimates only take into account existing policies.

And just last week, during the State of the Union address, President Bush asked Congress to make all his fiscally irresponsible tax policies permanent. Last year CBO estimated that such action would cost the Federal Government an additional \$1 trillion.

The President also once again proposed partially privatizing Social Security at an additional expense of at least \$1 trillion in extra funds over the next decade, and that is \$2 trillion right there to add to the already gloomy deficit forecast. And this is not even including the \$700 billion the President wants to spend for a mission to Mars, the \$50 billion that the President will propose for the continuing war in Iraq, and the \$1.5 billion throwaway to the far right in his party to help train couples to develop better interpersonal skills that sustain "healthy marriages."

Based on these facts, how can Secretary Snow say that President Bush is serious about the deficit?

Let us be clear. It is the policies of President Bush and my Republican colleagues that have put us in this situation. Democrats do not control the White House. Democrats do not control the Congress, either the House or the Senate. And yet I would not be shocked if conservative Republicans do not come to the floor today and try to blame Democrats for the fiscal mess our Nation now faces.

Clearly, Mr. Speaker, President Bush now sees the huge budget deficit as a threat to his reelection campaign, and that is why he vowed to cut the deficit in half over the next 5 years during his State of the Union address last week. But we might be asking ourselves how the President plans to cut the deficit in half with the more than \$2 trillion in tax cuts and other new spending he wants Congress to approve this year. The President and Republicans will say holding down domestic spending to 1 percent during the next year will put a

huge dent in the deficit, but that is simply not the case, considering that domestic spending only amounts to 17 percent of all the Federal spending expected this year.

The bottom line, Mr. Speaker: The fiscal record of the Bush administration and congressional Republicans is clear. As long as Republicans control the Federal budget, our Nation's fiscal future is seriously in question; and in order to prevent a total fiscal collapse, it is time for President Bush and my Republican colleagues to face reality and repeal the President's tax cuts for the very wealthiest Americans.

It is time President Bush and congressional Republicans stand with our Nation's children, who will be forced to bear the brunt of the cost of their fiscal irresponsibility. It is time the President and congressional Republicans stand with our Nation's seniors and baby boomers that need Social Security and Medicare strengthened and not raided.

Yesterday's CBO report should serve as a wake-up call to Washington Republicans. And let us hope they finally listen to the alarms before this mess gets even worse.

RECESS

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

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

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

Lord God, shepherd Your people as never before, for the times are turbulent. Violence and terrorism rip apart the very fabric of civilization, ancient and new. Friendships between nations are threatened. And who will replace the basic trust and faithful love once found in family life?

As in the days of the prophet Zechariah, we call out to You to show forth Your power.

Take up Your two staves, one called Favor, the other Union.

With the staff of Favor, fashion us again as Your people. Renew Your covenant love within Your chosen ones.

With the staff of Union, bind all in this House to one another as leaders, worthy and willing to be brother and sister to others.

May You delight in us as Your very own and our coming together as a glimpse of Your kingdom, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois 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.

SPECIAL-ED STUDENT VOTED HOMECOMING KING

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

Mr. PITTS. Mr. Speaker, most homecoming kings are probably athletes or student government leaders, the "in crowd"; but students at a Tempe, Arizona, high school broke the mold. Marcos de Niza High School's landslide winner for homecoming king was a 21-year-old student with Down Syndrome, Poco Carton.

Poco is well-known around campus for his dance moves at lunch and for his insistence on saying hello to nearly everyone. The election is a vivid reminder that each and every life, regardless of what value the world places on it, is worthy of living. Every day, Poco and those who share his challenges offer priceless contributions to our communities, but too often they are taken for granted, excluded from the opportunities many of us take for granted.

Studies show that 86 percent of unborn children who are diagnosed with Down Syndrome are never given a chance to be elected homecoming king. They are aborted. Down Syndrome is a challenge that taxes anyone facing it. Families caring for children with this disease need our support and encouragement, but if we believe that the way to kill Down Syndrome is to kill babies, we are dead wrong.

How many Poco Cartons have we lost to this strategy? How many lives could have been touched at schools like Marcos de Niza? It is a cost too high to calculate.

HONORING THE REVEREND CHARLIE MURRAY

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

Mr. DAVIS of Illinois. Mr. Speaker, on Sunday I had the opportunity to participate in a tremendous ceremony, the naming of a dining hall at the

church that I attend on a regular basis. We named it the Charlie H. Murray, the Reverend Charlie Murray, who is the pastor emeritus of this church; and as we thought of the contributions that this gentleman had made, we had brought practically every Senator, every mayor, Presidential candidates, all to this small church because of the tremendous outreach and appeal of the Reverend Charlie Murray.

So as we go into primary elections and people are voting and thinking about electing a new President, we thought that was an appropriate time to pay tribute to a church man who had been civically involved.

TRIBUTE TO CHIEF WARRANT OFFICER BRIAN D. HAZELGROVE

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

Mr. PENCE. Mr. Speaker, it is written that we are to grieve with those who grieve and mourn with those who mourn. It is in that spirit today that I rise to honor a hero, Chief Warrant Officer Brian Hazelgrove.

Warrant Officer Hazelgrove is the son of Ron and Patty Hazelgrove of Edinburg, Indiana, a small town just a stone's throw from my home, where I am sure today in Sherman's Barber-shop and elsewhere there is genuine grief and sadness at the loss of this 1994 graduate of Edinburg High School.

Warrant Officer Hazelgrove joined the Army in that year of 1994. He began his service in military intelligence before becoming a pilot and serving two tours of duty in South Korea.

He was serving with the 3rd Squadron, 17th Air Cavalry Regiment from the 10th Mountain Division at Fort Drum, New York. He died this January 23, 2004, in support of Operation Iraqi Freedom when his OH-58D Kiowa Warrior helicopter went down 31 miles south of Mosul, Iraq. He was bravely executing a combat mission at the time.

Warrant Officer Hazelgrove, Mr. Speaker, died like every other American soldier throughout our Nation's history, bringing hope and freedom to a people who have never known it before.

On behalf of the people of the sixth congressional district, I extend my deepest sympathies and prayers to the family of Chief Warrant Officer Hazelgrove, to his lovely wife, Kimmi; their four children, Taylor, 11; Zachary, 10; Brandon, 3; and Katelyn, 7 months. Indiana and America mourn the loss of this heroic American, Chief Warrant Officer Brian Hazelgrove.

WHAT PRESIDENT BUSH DID NOT TELL US ABOUT THE MEDICARE BILL

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

Mr. BROWN of Ohio. Mr. Speaker, last week President Bush stood in this

well and told us that he signed a Medicare bill last month. What he did not tell us was that this bill does not take effect until 2006. What he did not tell us is that this bill gives the insurance companies a \$14 billion taxpayer subsidy. What he did not tell us is that this bill provides \$139 billion more to the drug companies in profits, and what he did not tell us was how little coverage this Medicare prescription drug bill will give to most of America's seniors.

This bill falls short because the Medicare bill was written by the drug industry and by the insurance industry, for the drug industry and for the insurance industry in the Oval Office.

COLLABORATION ON THE AFTERMATH OF IRAQ

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not believe it is important at this time to restate a position that many of us took in this Nation in opposition to the attack against Iraq: preemptive, unilateral, and without a constitutional vote of this Congress.

We have long since said that we stand united behind the United States military, but it is clear that our policies now in the aftermath are failing, with the insurgents going against our troops in high numbers, with the loss of life increasing and now the political delay because those in Iraq want direct and prompt election. In addition, it is important not to cover up the wash out, the white out, the words of Mr. Kay, finding no weapons of mass destruction.

Today, I ask for a serious and collaborative effort with the United Nations who, of course, this government has approached, our NATO allies and Mideast allies to deal with the aftermath of Iraq.

Secondarily, I ask for a full and open hearing by all committees of jurisdiction on the issue of the lack of finding of weapons of mass destruction. I do that because that is the basis upon which representations were made to the United States and the people for which we entered into Iraq. It is imperative that these hearings are open and free for the public to hear, for the national security, to ensure the security of our homeland and the security of our troops and the security of all those around the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

BREAST CANCER STAMP EXTENSION

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1385) to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research, as amended.

The Clerk read as follows:

H.R. 1385

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

SECTION 1. BREAST CANCER STAMP EXTENSION.

Section 414(h) of title 39, United States Code, is amended by striking "2005" and inserting "2006".

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

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

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1385, introduced by my distinguished colleague from my home State of California (Mr. BACA), extends the life of the breast cancer research semipostal stamp.

Mr. Speaker, on the night of July 22, 1997, Dr. Ernie Bodai, Betsy Mullen, and David Goodman sat breathlessly in the House gallery awaiting the outcome of a vote that they had worked tirelessly to see become a reality. At that time, H.R. 1585, the Stamp Out Breast Cancer Act, was landmark legislation establishing the Breast Cancer Research Stamp Program and directing the U.S. Postal Service to issue a new first-class breast cancer stamp with proceeds benefiting breast cancer research at the National Institutes of Health and the Department of Defense Breast Cancer Research Programs.

This advocacy team, a surgeon, a survivor and a widower, used their own time and resources to convince lawmakers to pass this essential legislation.

Dr. Ernie Bodai of Carmichael, California, a constituent and personal friend of mine, led the charge. After 14 visits to Washington within 2 years, as well as spending over \$100,000 of his personal savings, he succeeded, creating the lead for breast cancer fundraising. Dr. Bodai is the pioneer of the breast cancer stamp, chief of general surgery for Kaiser Permanente, and CEO of CureBreastCancer, Inc.

Joining him in this crusade was Betsy Mullen. Ms. Mullen is one of slightly over 2 million women living in the United States who have been diagnosed with and treated for breast cancer. She was diagnosed with breast cancer in 1992 at age 33 and formed the Women's Information Network Against Breast Cancer, the acronym WIN ABC, which provides information and support for life-and-death decisions about treatment options.

The final member of this advocacy team is David Goodman, a WIN board member who lost his wife to breast cancer less than a year before appearing on the House floor.

H.R. 1585, the Stamp Out Breast Cancer Act, passed the House on a 433 to three vote; and on August 13, 1997, President Clinton signed this legislation into law. By May 9, 1998, the U.S. Postal Service unveiled the new 40 cent stamp, and August 9 the stamp officially went on sale to the public.

The legislation we are considering today, H.R. 1385, reauthorizes the breast cancer research stamp program through the year 2006. The stamp marks the first time that some of the proceeds of stamp sales have gone to fund research, and the awareness raised as a result of this historic stamp designed to save lives continues to be priceless. As of December of 2002, 421.3 million breast cancer research stamps have been sold dating from July 29, 1998, raising almost \$30 million for biomedical breast cancer research at the National Institutes of Health and the Department of Defense.

The Department of Defense Breast Cancer Research Program receives 30 percent of the moneys raised from stamp sales. Since the breast cancer stamp was introduced, Department of Defense has received over \$9 million from the stamp's sales, and the National Cancer Institute has received \$24 million.

The breast cancer stamp functions like a regular first-class stamp and is purchased on a voluntary basis by the public. In 1997, when a person purchased the breast cancer stamp, 32 cents would be used for postage and the extra 8 cents from each stamp sold was turned over to research programs run by the National Institutes of Health and the Defense Department. Today, the stamp can be purchased for 45 cents.

The stamp is a line drawing of the Roman goddess Diana reaching back to retrieve an arrow from her quiver, and the words, "Fund the fight. Find a cure," written across.

□ 1415

The exact cause of breast cancer is not known; therefore it is imperative that researchers continue to study the basic biology of cancer.

Research proposals funded by the Breast Cancer Research Stamp look at the basic biology of breast cancer, such as understanding the changes in breast cells, including DNA and proteins in

the cells that result in the development of breast cancer. An increased understanding in cancer cells could lead to the development of new drugs to prevent or treat breast cancer.

Funding is directed to prevention, detection, diagnosis and treatment research projects. Studies examine the use of antibiotics to block breast cancer cell growth, to observe tumor behavior to keep the cancer from spreading, to explore immunotherapy and the potential to create a vaccine to stimulate the human immune system to protect itself from breast cancer, and search for alternatives to mammography for breast cancer detection.

The program's success encouraged Congress to appropriate additional funds to the Breast Cancer Research Program in subsequent years, totaling over \$1.6 billion through fiscal year 2004. To date, the Breast Cancer Research Program supported awards in three categories: Research, Research Resources, and Training Recruitment, as well as the Innovator Award.

Projects are coordinated to specifically avoid duplication of research between the Department of Defense on the one hand and the National Institutes of Health on the other. Awards are meant to fill gaps in ongoing research and to compliment initiatives sponsored by other agencies. The Department of Defense Breast Cancer Research Program has emphasized support for research and training awards that encourage innovative approaches to breast cancer research to accomplish the program's vision of eradicating breast cancer.

In addition to research, the Department of Defense Breast Cancer Research Program has sponsored three Era of Hope meetings to publicly present results of DOD funded studies and provide researchers with the opportunity to share their results with the scientific community, with policymakers, and with the lay public. The most recent meeting, in 2003, was held in Orlando, Florida, with over 1,500 scientists, clinicians, and breast cancer survivors and advocates in attendance.

A National Cancer Institute report estimates that about one in eight women in the United States will develop breast cancer during her lifetime. It is the most commonly diagnosed cancer in women, accounting for 30 percent of all cancers in women. In 2004, more than 40,000 individuals are projected to die from breast cancer. In 2003, the American Cancer Society estimated 21,100 new cases of breast cancer will be diagnosed among women in my home State of California and, of these, 4,000 women will die from this disease.

An individual's breast cancer risk depends on a variety of factors, including family history, reproductive history, life-style factors such as heavy alcohol consumption and smoking, and a number of other factors that are not yet understood. A woman's risk for developing breast cancer increases if her mother, her sister, her daughter, or

two or more other close relatives, such as cousins, have a history of breast cancer, especially at a young age. However, 85 percent of women who develop breast cancer have no known family history of the disease.

Early detection and treatment is the key to survival. Declining death rates caused by breast cancer are believed to be the result of early detection and improved treatment. Breast cancer prevention experts strongly encourage women of all ages to have regular mammograms and to conduct breast self-examinations monthly.

When people choose to purchase the Breast Cancer Stamp every day, they can turn that simple little act into a meaningful and effective way to participate in the fight against breast cancer.

Mr. Speaker, I would like to conclude by thanking my friend, Dr. Ernie Bodai, for his persistence in this fight against breast cancer. Driving through Sacramento, he can be easily spotted in his car, which is adorned by its license plate PL 105-41, the public law number that made the breast cancer fund-raising stamp official. It is in honor of this man and to honor the lives of the victims of breast cancer that I stand before my colleagues, supporting the reauthorization of H.R. 1385.

Mr. Speaker, I thank the gentleman from California (Mr. BACA) for his efforts towards stamping out breast cancer, and I urge all Members to support the passage of H.R. 1385.

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

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

Mr. Speaker, as the ranking member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight, I am pleased to join my colleague, the gentleman from California (Mr. OSE) in consideration of H.R. 1385 extending the issuance of the Breast Cancer Semipostal Stamp through December 31, 2006. H.R. 1385, as amended, was introduced by the gentleman from California (Mr. BACA) on March 20, 2003, and has 145 cosponsors.

Semipostals are stamps sold with a surcharge above the cost of a first-class postage stamp with the net surcharge amount going to a designated cause. We owe our interest in semipostal stamps to Dr. Ernie Bodai, Chief of Surgery at the Kaiser Permanente Medical Center in Sacramento, California, and former Representative Vic Fazio. Dr. Bodai first proposed the idea of a semipostal with the money raised going towards breast cancer research. He took his idea to Representative Fazio, and on May 7, 1996, Representative Fazio introduced the first semipostal bill, H.R. 3401, the Breast Cancer Research Stamp Act. Representative Fazio was joined in this effort by Senator Dianne Feinstein of California when she introduced identical legislation in the Senate.

The following year, Representative Fazio joined Representative Susan Molinari of New York in introducing H.R. 1585, Stamp Out Breast Cancer. This bill was subsequently enacted into law, Public Law 105-41. The law not only authorized a breast cancer research stamp for 2 years, it also required the General Accounting Office to submit a report to Congress that evaluated the effectiveness of the appropriateness of this method of fund-raising. In its first report issued in 2000, GAO determined that the semipostal statute was successful and an effective and appropriate way to fund-raise.

By way of addressing the health issues raised by many of the semipostal bills pending in Congress, the chairman and ranking members of the former Subcommittee on the Postal Service, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) introduced H.R. 4437, the Semipostal Authorization Act. This measure, which became law, Public Law 106-253, provided the Postal Service with discretionary authority to issue semipostals provided the revenue raised goes to Federal agencies and is for medical research. Such authority is similar to the discretion the Postal Service currently has in deciding which commemorative stamps to issue.

Breast cancer is the second leading cause of cancer deaths among women in our country. More than 2 million women have been diagnosed with breast cancer and at least another 1 million are unaware that they have it. Every year, nearly \$7 billion is spent on breast cancer treatment, all the more reason to support the issuance of a Breast Cancer Semipostal Stamp.

Since its issuance in 1998, the Breast Cancer Stamp has raised over \$30 million for research. By law, the National Institutes of Health and the Department of Defense are the recipients of the money and are required to submit an annual report to Congress on the amount of funds received, how the funds were spent, and accomplishments. The sale of the Breast Cancer Research Stamp has done much to increase public awareness of the disease and has allowed millions of people the opportunity to participate directly in raising money for this much-needed research.

Mr. Speaker, I commend my colleague for his effort and cannot express enough my support for his measure. I would also like to thank the chairman, the gentleman from Virginia (Mr. TOM DAVIS), the ranking member, the gentleman from California (Mr. WAXMAN), and the House leadership, both Democrat and Republican, and the Senate for working to ensure an additional source of research money for breast cancer.

I urge the swift adoption of H.R. 1385.

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

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from California (Mr. BACA), who introduced this important resolution.

Mr. BACA. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me this time, and I thank the gentleman from Virginia (Mr. TOM DAVIS) for his support.

I rise in support of H.R. 1385, my bill to authorize the Breast Cancer Research Stamp through the year 2006. I am proud to say that the language in my original bill extending the stamp through the year 2005 was included in the omnibus and signed by the President last Friday. This amendment will extend the stamp for 1 additional year, through the year 2006.

It has been a long, hard fight to extend the Breast Cancer Research Stamp. It is a fight I began when I was in the California assembly and have continued to do so here in Congress.

But we would not be here today without the hard work of several individuals. I want to thank Dr. Bodai for first asking me to introduce this resolution urging Congress to extend its research stamp when I was in the California State Assembly. It was Dr. Bodai who developed the idea of a Breast Cancer Research Stamp, and it was through his crusade and persistence that we have it here today. Had it not been for him doing it in California, in Sacramento, it would not have happened.

I also want to thank Senator FEINSTEIN and the gentleman from California (Mr. OSE). And I know it was difficult for him to be here this afternoon, because he and I were both on the Red-eye. He knew the importance of this bill and what it means to many individuals, and I want to thank him for his leadership and his hard work and what he has done to make sure that the sunset on the research stamp is extended. And for that, I compliment the gentleman for taking the time, on the Red-eye, on this important issue to address this issue here today.

I introduced this bill last year for one reason, and that is to save lives. All of us care about saving lives. This issue is more important to me now. I recently learned from my son, Joe Baca, Jr., that his wife's grandmother passed away from breast cancer. We will miss Josefine Sanchez and many others who have died, but early detection and prevention and research may have prevented this. By working together to pass this important piece of legislation we can prevent such tragedies.

This year, more than 200,000 women and men will be diagnosed with breast cancer. More than 40,000 women and men will die from this disease. Breast cancer is the most commonly diagnosed cancer among women in every major ethnic group in the United States. And I say every ethnic group, not one, but all. It does not discriminate. Whether an individual is white, black, Hispanic, or whatever race or

ethnicity, everyone is at risk. Early prevention and early detection is of the utmost importance.

Breast cancer is still the number one cancer killer of women between the ages of 15 to 54, between 15 to 54. The disease claims a woman's life every 15 minutes in the United States. Imagine that, claiming the life of a woman every 15 minutes. More than 2 million women are living with breast cancer in America today, yet 1 million of them have not been diagnosed. One million women have not been diagnosed. That is why it is important to increase the funding for breast cancer research.

The Breast Cancer Research Stamp is among the most successful commemorative stamps of all time, with 485 million stamps sold. I repeat: 485 million stamps sold. The stamp program has generated over \$35 million for breast cancer research. It has been a critical ally in generating the resources necessary to wage war on this terrible, terrible disease.

□ 1430

The stamp is a semipostal stamp that can be voluntarily purchased by the public for only 45 cents. It is worth it to save a life. Eight cents of each stamp sold goes to the National Institutes of Health and the Department of Defense Breast Cancer Research Program.

Working with Dr. Bodhai, Senator FEINSTEIN introduced the Breast Cancer Research Stamp bill in 1998 to help support the fight against breast cancer. I am also proud to say that California continues to lead the way, and I thank the gentleman from California (Mr. OSE) for starting it in Sacramento, along with Dr. Bodhai. It has contributed over \$3 million in research funds, or roughly 21 percent of the money raised nationwide.

Today, I ask for Members' support for the Breast Cancer Research Stamp, my bill, and all women and men who will benefit from the money the stamp raises.

We have the support of 150 Members who have cosponsored my bill, and countless organizations like the American Cancer Society, American Medical Association, the Breast Cancer Fund, and the Susan G. Komen Breast Cancer Foundation.

By supporting reauthorization of this stamp, you are not only helping research but you are helping to raise awareness and save future lives.

Think about it: the customer purchases a stamp, a carrier delivers it, and a person receives it. That is three people who have seen the message saying breast cancer needs to be stamped out. Each time we use the stamp, not only do we raise additional funds for research; we send a message of hope to many men and women who have this terrible disease. We need to find a cure, and we will find a cure. With Members' continued support of this legislation, we will do that.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time and for being here for what I believe is an enormously important commitment to saving lives.

I thank the gentleman from California (Mr. BACA) for the commitment he has shown, as stated in the gentleman's opening statement, and for offering this legislation, to do something that is more than honorable, that is, to save lives. My hat is off to the gentleman, and I stand here as a very proud cosponsor of this legislation for what it means to those who are fighting every day against this devastating disease.

Needless to say, there is not one of us, 435 in this body and certainly 100 Senators, who has not been confronted by family members and by those who are experiencing the devastation of breast cancer. Certainly there are many of us who have lost loved ones. Breast cancer is a devastating disease, and it has been stood up to by the women of America. This particular semipostal legislation, which allows for research dollars to come, is imperative that it be continued. And the reason is midway, otherwise, in the middle of very serious research, we would wind up having to stop that research because of the fact that resources are no longer there.

I certainly want to acknowledge Ethel Kesler, who helped design this stamp, and Whitney Sherman as well; and I want to make it very clear that we appreciate the senior Senator from California's initial leadership. Let me make note of the fact that cancer makes an impact on every single ethnic group in America.

Mr. Speaker, 2 million are living with breast cancer in America today, but yet 1 million have not been diagnosed. Breast cancer incidence in women has increased from one in 20 in 1960 to one in 8. Breast cancer is still the number one cancer killer of women between the ages of 15 and 54. The disease claims another woman's life every 15 minutes.

I want to emphasize there are major local community groups working on this issue. I have worked with Sisters Network in Houston, Texas. They are an outreach group that goes to inner city residences to encourage women to be tested for breast cancer. One of the worse parts of this disease is it is a silent killer. If women do not get a mammogram, and I remember some fights years ago, and the gentlewoman from California (Ms. ESHOO) remembers this as well, where there were no benefits to allow poor women to go forward and have mammograms. There was a debate whether it be covered or not. I appreciate the Women's Caucus and this

body fighting very hard to involve and make everyone conscious of the fact that all women should be able to have access to mammograms.

Sisters Network in Houston, Texas, and they have chapters around the country, is a minority-based, African American-based organization that particularly reaches out to our community for those who may be intimidated by the medical system or are not covered by health insurance. I remember going door to door with packets of information, reaching out to both Hispanic and African American women to encourage them to seek mammograms.

This is an important legislative initiative; and although it may be on a very cold and stormy day in Washington, D.C., there is a glimmer of sunlight that this legislation be reauthorized so researchers on the front line of saving lives will have an opportunity to do so.

As I close, let me thank all of the survivors who are living with cancer or who have survived breast cancer. I thank them for their steadfastness and courage. They are a shining example to others, ensuring others might live. Again, I add my appreciation to the gentleman from California (Mr. BACA), the gentleman from Illinois (Mr. DAVIS), and the gentleman from California (Mr. OSE) for their enthusiastic support, as well as the chairman and ranking member of the Committee on Energy and Commerce.

Mr. Speaker, I am pleased to be here today in support of the Breast Cancer Research Stamp. The Breast Cancer Research Stamp was first introduced in 1998 by Senator DIANNE FEINSTEIN to help support the fight against breast cancer.

It is among the most successful commemorative stamps of all time with 485 million stamps sold. The stamp program has generated in excess of \$35 million for breast cancer research.

The idea for the stamp was developed in California by Sacramento oncologist, Dr. Ernie Bodai. The stamp was designed by Ethel Kessler of Bethesda, MD, and illustrated by Whitney Sherman of Baltimore, MD. The stamp is a "semi-postal" stamp that can be voluntarily purchased by the public for 45 cents with 8 cents benefiting the National Institute for Health and the Department of Defense Breast Cancer Research Program. If the sunset on the stamp had not been extended, many important research projects would have gone unfunded, hurting the fight against breast cancer. The stamp was set to expire on December 31, 2003.

This initiative is so important because of the devastating effects of Breast Cancer. Breast cancer is considered the most commonly diagnosed cancer among women in every major ethnic group in the United States. More than 2 million women are living with breast cancer in America today, yet one million of them have not been diagnosed. Breast cancer incidence in women has increased from one in 20 in 1960 to one in eight today. Breast cancer is still the number one cancer killer of women between the ages of 15 and 54. The disease claims another woman's life every 15 minutes in the United States.

This year, more than 200,000 women and men will be diagnosed with breast cancer and more than 40,000 women and men will die from breast cancer. It is tragic that one woman in eight either has or will develop breast cancer in her lifetime. In addition, 1,600 men will be diagnosed with breast cancer and 400 will die this year.

In my state of Texas alone, in 2002, there were 12,819 new cases of breast cancer and an estimated 800 deaths. In Texas, African Americans are more likely to develop cancer and more likely to die from the disease.

At this time there are slightly over 2 million women living in the U.S. who have been diagnosed with and treated for breast cancer. Every 3 minutes a woman in the United States is diagnosed with breast cancer.

As introduced, H.R. 1385 reauthorized the Breast Cancer Research Stamp for two years, through 2005. The language from H.R. 1385 was included in the Omnibus by Senator FEINSTEIN and became law on January 23, 2004. As amended, H.R. 1385 will extend the reauthorization for one additional year, through 2006.

I am pleased to be a cosponsor of this legislation and urge my colleagues to realize the significance of this bill and what we can do to fight this battle together.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the ranking member and I thank the gentleman from California (Mr. OSE) for this legislation. It is an important piece of legislation, and I am proud to be a cosponsor of it.

This is the first fund-raising stamp in the United States, and it benefits the eradication of breast cancer. During the holidays at home wherever I was, whether it was a holiday party, in the grocery store, wherever I was, there was someone that came up to me and said I went to the post office to buy the breast cancer stamp, and was told that it is no longer available because Congress has not reauthorized it. People know, and they have become attached to this effort and very supportive of it for what it produces.

The stamp was introduced in 1998, and the profits are split between the National Institutes of Health and the Department of Defense's Health Research Division, as called for by Congress. Over 450 million of these 45 cent stamps have been sold. I am very proud to say that of the \$35 million raised, California continues to lead the way because we have contributed roughly 21 percent of the money that has been raised nationwide.

Mr. Speaker, my colleagues have expressed our collective concerns about the issue of breast cancer. Certainly during my tenure in the Congress I have been very proud to have worked on the causes of breast cancer, for the optimal treatments for breast cancer, and ultimately a cure for breast cancer. These have all been priorities of mine.

I see that the gentleman from Pennsylvania (Mr. GREENWOOD) is here on

the floor. We worked very hard together to pass the Breast and Cervical Cancer Treatment Act, which was introduced and passed in the 106th Congress. As one of my colleagues said, more than 2 million women in America are living with breast cancer today. During the time that we have been on the floor and making comments on this, three women in the United States have died as a result of breast cancer. The statistics we still carry with us. I think this is an important effort, and I thank everyone who is a part of this effort and urge all of my colleagues to vote for this measure and make it unanimous so we send a message out to Americans who have gone to their post office and not found this stamp available that Congress has reauthorized it.

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

Mr. Speaker, I would indicate that California is leading the way on this issue, and the rest of us are very pleased to follow their example. I urge swift passage of this bill.

Mr. ROTHMAN. Mr. Speaker, according to the National Cancer Institute, 1 in 8 women will get breast cancer in her lifetime. I rise today in support of H.R. 1385, the Breast Cancer Research Postal Stamp because I believe that number is unacceptable.

Breast cancer is currently the most common cancer among women in the United States with incidents on the rise. In my home State of New Jersey over 6,000 women were diagnosed with breast cancer last year and tragically, approximately 1,500 women died from this terrible disease. I support and cosponsored H.R. 1385 because it is about changing those statistics, it is about hope.

In December of 2003, the Breast Cancer Research Stamp expired, and today we have an opportunity and a responsibility to renew it. Approximately 500 million copies of this special Breast Cancer Research Stamp have been sold, raising about \$40 million for the National Institutes of Health and the Department of Defense Breast Cancer Research Program. These are programs that help more women get screened, help more breast cancer cases to be detected and detected early, and help more women get the treatment that allows them to survive.

There is another very positive aspect of the Breast Cancer Research Stamp—it raises awareness. Each time the stamp passes hands as a letter goes from sender to recipient, another person becomes aware; another man grows concerned and reminds his wife to get a mammogram, another woman schedules a check-up with her doctor, and another mother teaches her daughter about breast self exams.

Mr. Speaker, I rise today because “breast cancer needs to be stamped out!” I strongly hope that my colleagues will stand with me and reauthorize the Breast Cancer Research Stamp.

Mr. RODRIGUEZ. Mr. Speaker, today I rise in support of reauthorizing the Breast Research Stamp Act (H.R. 1385). The public has widely supported the stamp, and their voluntary purchases have generated over \$35 million dollars for breast cancer research. The National Institutes of Health and the Depart-

ment of Defense Breast Cancer Research Program use this donation to help the 2 million women nationwide who are daily battling this disease.

The Breast Cancer Research Stamp was developed by Dr. Ernie Bodai, designed by Ethel Kessler, and introduced by Senator DIANNE FEINSTEIN in 1998. Since its introduction, over 485 million stamps have been sold with 8 cents of each purchase price going toward breast research. The stamp expired December 31, 2003 and there has been overwhelming support to extend the stamp's production through 2006. Congressman JOE BACA proposed the stamp's extension with 148 cosponsors and numerous groups including the American Cancer Society and the American Medical Association supporting H.R. 1385.

The revenue created by the sale of this stamp will help fight the most commonly diagnosed cancer among women, and it will be used to educate women and encourage early detection practices in Texas and across the country. The Alamo Breast Cancer Foundation (ABCF) is a San Antonio based organization that supports awareness, treatment, and counsels those receiving cancer treatments. In Texas alone, 13,700 women will be diagnosed and 2,600 lives will be lost to this disease in the coming year. In the entire country, 40,000 people a year will die from breast cancer.

Mr. Speaker, breast cancer will touch 1 out of every 8 women in America. This statistic is far too high and includes mothers, grandmothers, college students, and their loved ones. I urge my fellow Representatives to support the Breast Research Stamp Act and to continue to present the public with a simple method to donate to a worthy cause.

Mr. ROSS. Mr. Speaker, I rise today in support of H.R. 1385, the reauthorization of the Breast Cancer Awareness Stamp.

As a co-sponsor of H.R. 1835, I believe this bill is critical to continue to fund research for a disease that affects 2 million women in the United States alone. The Breast Cancer Research stamp was introduced in July 1998 and has raised \$35 million in five years for the Department of Defense and the National Cancer Institute for research in treating breast cancer. Of those funds raised, \$279,000 has gone to the University of Arkansas for research.

Breast Cancer is the leading cancer afflicting American women, and this year nearly 40,110 women will die of breast cancer, and over 215,000 new cases will be diagnosed. Unfortunately, many of these cases will not be diagnosed, and deaths will occur, in communities where access to advanced medicine is limited.

Congress's commitment to increasing the funding for cancer prevention and early detection is helping us battle this disease. Today we can be proud of the advancements we have made. But we must continue our commitment to defeating breast cancer by continuing to fund the research necessary to fight breast cancer.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 1385 to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research. I want to thank Mr. BACA for his support in introducing this legislation.

The Breast Cancer Research stamp has been a successful tool to raise funds to sup-

port research and programs to aid in the fight against breast cancer. Despite the extra cost added to purchase the first class stamps and three postage rate increases since its debut in 1998, the Breast Cancer Research stamp has brought in over \$35 million for innovative research, prevention and treatment programs and other initiatives at the National Institutes of Health and the Department of Defense.

There are hundreds of thousands of women fighting breast cancer and over 200,000 new cases that will be diagnosed this year. The funds raised by the Breast Cancer Research stamp provide hope to the victims and their families. More importantly, it symbolizes our commitment to eliminating this devastating disease.

I urge my colleagues to support H.R. 1385. Let us continue this successful program in the hopes that one day there will be success in finding a cure.

Mr. GREEN of Texas. Mr. Speaker, I rise today in strong support of H.R. 1385, legislation which would allow the United States Postal Service to continue its successful breast cancer semipostal stamp. Proceeds from this stamp directly benefit breast cancer research.

Breast cancer is a serious concern for all of us. We all have friends, family members, constituents and colleagues who have battled this serious disease. Breast cancer does not discriminate—Americans of every age, race, religion, gender, economic standing and political affiliation are affected by this disease.

The figures are alarming. An estimated three million women in the U.S. are living with breast cancer—one-third of whom do not know they have this deadly disease. It is the most common form of cancer in America, excluding skin cancers. More than 240,000 new cases—1 every 3 minutes—occur in the United States each year. More than 40,000 women will die from the disease.

One of our strongest weapons against breast cancer is early awareness and treatment. Women who are screened and diagnosed early can begin treatment before the disease becomes more advanced. That is why raising awareness of the disease is so critical.

The breast cancer stamp has clearly helped to raise awareness and funds for this serious disease. Since it was first created in 1998, more than 421 million stamps sold, raising \$29.5 million for biomedical breast cancer research. The alarming rate at which breast cancer is detected mandates that we continue to work toward a cure for this disease which is claiming so many lives worldwide. Enactment of H.R. 1385 will further enable research in an effort to increase the survival rate.

This disease calls for each of us to take a stand in an effort to find a cure and bring some solace to a disease that has tormented our mothers, wives, aunts, sisters and daughters. The importance of this stamp has immeasurable value and I strongly support enactment of this important legislation.

I encourage my colleagues to join the 145 cosponsors of this bill by passing H.R. 1385.

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

Mr. OSE. Mr. Speaker, I join the gentleman in complimenting the gentleman from California (Mr. BACA) for introducing this legislation, and I urge all Members to support its passage.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 1385, as amended.

The question was taken.

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

Mr. OSE. 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.

MEDICAL DEVICES TECHNICAL CORRECTIONS ACT

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3493) to amend the Federal Food, Drug and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3493

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 "Medical Devices Technical Corrections Act".

SEC. 2. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 107-250.

(a) TITLE I; FEES RELATING TO MEDICAL DEVICES.—Part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as added by section 102 of Public Law 107-250 (116 Stat. 1589), is amended—

(1) in section 737—

(A) in paragraph (4)(B), by striking "and for which clinical data are generally necessary to provide a reasonable assurance of safety and effectiveness" and inserting "and for which substantial clinical data are necessary to provide a reasonable assurance of safety and effectiveness";

(B) in paragraph (4)(D), by striking "manufacturing";

(C) in paragraph (5)(J), by striking "a premarket application" and all that follows and inserting "a premarket application or premarket report under section 515 or a premarket application under section 351 of the Public Health Service Act."; and

(D) in paragraph (8), by striking "The term 'affiliate' means a business entity that has a relationship with a second business entity" and inserting "The term 'affiliate' means a business entity that has a relationship with a second business entity (whether domestic or international)"; and

(2) in section 738—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i) by striking "subsection (d)," and inserting "subsections (d) and (e).";

(II) in clause (iv), by striking "clause (i)," and all that follows and inserting "clause (i)."; and

(III) in clause (vii), by striking "clause (i)," and all that follows and inserting

"clause (i), subject to any adjustment under subsection (e)(2)(C)(ii)."; and

(ii) in subparagraph (D), in each of clauses (i) and (ii), by striking "application" and inserting "application, report.";

(B) in subsection (d)(2)(B), beginning in the second sentence, by striking "firms. which show" and inserting "firms, which show";

(C) in subsection (e)—

(i) in paragraph (1), by striking "Where" and inserting "For fiscal year 2004 and each subsequent fiscal year, where"; and

(ii) in paragraph (2)—

(I) in subparagraph (B), beginning in the second sentence, by striking "firms. which show" and inserting "firms, which show"; and

(II) in subparagraph (C)(i), by striking "Where" and inserting "For fiscal year 2004 and each subsequent fiscal year, where";

(D) in subsection (f), by striking "for filing"; and

(E) in subsection (h)(2)(B)—

(i) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively;

(ii) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(iii) by striking "The Secretary" and inserting the following:

"(i) IN GENERAL.—The Secretary"; and

(iv) by adding at the end the following:

"(ii) MORE THAN 5 PERCENT.—To the extent such costs are more than 5 percent below the specified level in subparagraph (A)(ii), fees may not be collected under this section for that fiscal year."

(b) TITLE II; AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES.—

(1) INSPECTIONS BY ACCREDITED PERSONS.—Section 704(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)), as added by section 201 of Public Law 107-250 (116 Stat. 1602), is amended—

(A) in paragraph (1), in the first sentence, by striking "conducting inspections" and all that follows and inserting "conducting inspections of establishments that manufacture, prepare, propagate, compound, or process class II or class III devices, which inspections are required under section 510(h) or are inspections of such establishments required to register under section 510(i).";

(B) in paragraph (5)(B), in the first sentence, by inserting after "standards of accreditation," the following: "or where the Secretary has information indicating that the relationship between the establishment and the accredited person may create a conflict of interest.";

(C) in paragraph (6)(A)—

(i) in clause (i), by striking "of the establishment pursuant to subsection (h) or (i) of section 510" and inserting "described in paragraph (1)";

(ii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by striking "each inspection" and inserting "inspections"; and

(bb) by inserting "during a 2-year period" after "person"; and

(II) in subclause (I), by striking "such a person" and inserting "an accredited person";

(iii) in clause (iii)—

(I) in the matter preceding subclause (I), by striking "and the following additional conditions are met:" and inserting "and 1 or both of the following additional conditions are met:";

(II) in subclause (I), by striking "identified under subclause (II) of this clause" and inserting "identified under clause (ii)(II) as a person authorized to conduct inspections of device establishments"; and

(III) in subclause (II), by inserting "or by a person accredited under paragraph (2)" after "by the Secretary";

(iv) in clause (iv)(I)—

(I) in the first sentence—

(aa) by striking "the two immediately preceding inspections of the establishment" and inserting "inspections of the establishment during the previous 4 years"; and

(bb) by inserting "section" after "pursuant to";

(II) in the third sentence—

(aa) by striking "the petition states a commercial reason for the waiver"; and

(bb) by inserting "not" after "the Secretary has not determined that the public health would"; and

(III) in the fourth sentence, by striking "granted until" and inserting "granted or deemed to be granted until";

(v) in clause (iv)(II)—

(I) by inserting "of a device establishment required to register" after "to be conducted"; and

(II) by inserting "section" after "pursuant to"; and

(vi) by adding at the end the following clause:

"(v) The eligibility of the establishment for inspections by accredited persons has not been suspended under subparagraph (B)(iv)(II).";

(D) in paragraph (6)(B)(iii)—

(i) in the first sentence, by striking ", and data otherwise describing whether the establishment has consistently been in compliance with sections 501 and 502";

(ii) in the second sentence—

(I) by striking "inspections" and inserting "inspectional findings"; and

(II) by inserting "relevant" after "together with all other"; and

(iii)(I) by inserting "(I)" after "(iii)";

(II) by adding at the end the following subclause:

"(II) In making a decision under this paragraph, the Secretary may consider any information relevant to the establishment's compliance with any provision of this Act. Nothing in the preceding sentence shall be construed to expand the Secretary's inspectional authority under subsection (a).";

(E) in paragraph (6)(B)(iv)—

(i) by inserting "(I)" after "(iv)"; and

(ii) by adding at the end the following subclause:

"(II) If, during the two-year period following clearance under subparagraph (A) with respect to a device establishment, the Secretary obtains information indicating significant deviations from compliance with this Act or implementing regulations, the Secretary may, after notice and an opportunity for a written response, notify the establishment that the eligibility of the establishment for inspections by accredited person has been suspended.";

(F) in paragraph (6)(C)(ii), by striking "in accordance with section 510(h), or has not during such period been inspected pursuant to section 510(i), as applicable";

(G) in paragraph (10)(B)(iii), by striking "a reporting" and inserting "a report"; and

(H) in paragraph (12)—

(i) by striking subparagraph (A) and inserting the following:

"(A) the number of inspections conducted by accredited persons pursuant to this subsection and the number of inspections conducted by Federal employees pursuant to section 510(h) and of device establishments required to register under section 510(i)."; and

(ii) in subparagraph (E), by striking "obtained by the Secretary" and all that follows and inserting "obtained by the Secretary pursuant to inspections conducted by Federal employees";

(2) OTHER CORRECTIONS.—

(A) PROHIBITED ACTS.—Section 301(gg) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(gg)), as amended by section 201(d) of Public Law 107-250 (116 Stat. 1609), is amended to read as follows:

“(gg) The knowing failure to comply with paragraph (7)(E) of section 704(g); the knowing inclusion by a person accredited under paragraph (2) of such section of false information in an inspection report under paragraph (7)(A) of such section; or the knowing failure of such a person to include material facts in such a report.”

(B) ELECTRONIC LABELING.—Section 502(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(f)), as amended by section 206 of Public Law 107-250 (116 Stat. 1613), is amended, in the last sentence—

(i) by inserting “or by a health care professional and required labeling for in vitro diagnostic devices intended for use by health care professionals or in blood establishments” after “in health care facilities”;

(ii) by inserting a comma after “means”;

(iii) by striking “requirements of law and, that” and inserting “requirements of law, and that”;

(iv) by striking “the manufacturer affords health care facilities the opportunity” and inserting “the manufacturer affords such users the opportunity”; and

(v) by striking “the health care facility”.

(C) TITLE III; ADDITIONAL AMENDMENTS.—

(1) EFFECTIVE DATE.—Section 301(b) of Public Law 107-250 (116 Stat. 1616), is amended by striking “18 months” and inserting “36 months”.

(2) PREMARKET NOTIFICATION.—Section 510(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(o)), as added by section 302(b) of Public Law 107-250 (116 Stat. 1616), is amended—

(A) in paragraph (1)(B), by striking “, adulterated” and inserting “or adulterated”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “, adulterated” and inserting “or adulterated”; and

(ii) in subparagraph (E), by striking “semicritical” and inserting “semi-critical”.

(D) MISCELLANEOUS CORRECTIONS.—

(1) CERTAIN AMENDMENTS TO SECTION 515.—

(A) IN GENERAL.—

(1) TECHNICAL CORRECTION.—Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)), as amended by sections 209 and 302(c)(2)(A) of Public Law 107-250 (116 Stat. 1613, 1618), is amended by redesignating paragraph (3) (as added by section 209 of such Public Law) as paragraph (4).

(ii) MODULAR REVIEW.—Section 515(c)(4)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)(4)(B)) is amended by striking “unless an issue of safety” and inserting “unless a significant issue of safety”.

(B) CONFORMING AMENDMENT.—Section 210 of Public Law 107-250 (116 Stat. 1614) is amended by striking “, as amended” and all that follows through “by adding” and inserting “is amended in paragraph (3), as redesignated by section 302(c)(2)(A) of this Act, by adding”.

(2) CERTAIN AMENDMENTS TO SECTION 738.—

(A) IN GENERAL.—Section 738(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(a)), as amended by subsection (a), is amended—

(i) in the matter preceding paragraph (1)—

(I) by striking “(a) TYPES OF FEES.—Beginning on” and inserting the following: “(a) TYPES OF FEES.—

“(1) IN GENERAL.—Beginning on”; and

(II) by striking “this section as follows:” and inserting “this section.”; and

(ii) by striking “(1) PREMARKET APPLICATION,” and inserting the following: “(2) PREMARKET APPLICATION.”.

(B) CONFORMING AMENDMENTS.—Section 738 of the Federal Food, Drug, and Cosmetic Act

(21 U.S.C. 379j), as amended by subparagraph (A), is amended—

(i) in subsection (d)(1), in the last sentence, by striking “subsection (a)(1)(A)” and inserting “subsection (a)(2)(A)”;

(ii) in subsection (e)(1), by striking “subsection (a)(1)(A)(vii)” and inserting “subsection (a)(2)(A)(vii)”;

(iii) in subsection (e)(2)(C)—

(I) in each of clauses (i) and (ii), by striking “subsection (a)(1)(A)(vii)” and inserting “subsection (a)(2)(A)(vii)”;

(II) in clause (ii), by striking “subsection (a)(1)(A)(i)” and inserting “subsection (a)(2)(A)(i)”;

(iv) in subsection (j), by striking “subsection (a)(1)(D),” and inserting “subsection (a)(2)(D).”.

(C) ADDITIONAL CONFORMING AMENDMENT.—Section 102(b)(1) of Public Law 107-250 (116 Stat. 1600) is amended, in the matter preceding subparagraph (A), by striking “section 738(a)(1)(A)(ii)” and inserting “section 738(a)(2)(A)(ii)”.

(3) PUBLIC LAW 107-250.—Public Law 107-250 is amended—

(A) in section 102(a) (116 Stat. 1589), by striking “(21 U.S.C. 379f et seq.)” and inserting “(21 U.S.C. 379f et seq.)”;

(B) in section 102(b) (116 Stat. 1600)—

(i) by striking paragraph (2);

(ii) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(iii) by striking:

“(b) FEE EXEMPTION FOR CERTAIN ENTITIES SUBMITTING PREMARKET REPORTS.—

“(1) IN GENERAL.—A person submitting a premarket report” and inserting:

“(b) FEE EXEMPTION FOR CERTAIN ENTITIES SUBMITTING PREMARKET REPORTS.—A person submitting a premarket report”; and

(C) in section 212(b)(2) (116 Stat. 1614), by striking “, such as phase IV trials.”.

SEC. 3. REPORT ON BARRIERS TO AVAILABILITY OF DEVICES INTENDED FOR CHILDREN.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the barriers to the availability of devices intended for the treatment or diagnosis of diseases and conditions that affect children. The report shall include any recommendations of the Secretary of Health and Human Services for changes to existing statutory authority, regulations, or agency policy or practice to encourage the invention and development of such devices.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 3493.

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

There was no objection.

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

Mr. Speaker, H.R. 3493 is a bill that I introduced with the gentlewoman from

California (Ms. ESHOO), which seeks to make technical and clarifying amendments to the Medical Device User Fee and Modernization Act of 2002 (MDUFMA). That bill, which was signed into law by President Bush on October 26, 2002, made sweeping changes to the laws that govern medical device approvals to establish new programs and streamline processes to accelerate the availability of medical devices to patients. For example, MDUFMA established a user fee program that will provide substantial new resources to speed up the approval of the medical devices. It streamlined the approval of combination products such as drug-coated stents which are one of the most exciting new areas of technology. It expanded the role of third parties and outside experts to augment the FDA resources to help FDA meet its beneficial manufacturing inspection requirements; and MDUFMA also extended the use of third-party review programs for 1 year so that it expires in conjunction with other device provisions.

The legislation before us today amends the Medical Device User Fee Modernization Act to ensure that it is being implemented properly. While some of the amendments are truly technical, others clarify the intentions of Congress. For example, this legislation ensures that the user fee reductions that apply to small businesses apply for 2004 and years in the future. In addition, the legislation clarifies that as part of the third-party inspection program, companies must submit reports of inspectional findings consistent with current FDA practices.

□ 1445

H.R. 3493 clarifies which data need to be submitted for a firm to be eligible for third-party inspection.

Medical devices are some of our health care system's most remarkable innovations. The provisions in this technical and clarifying amendments bill will allow the FDA to continue to reduce review times, increase the efficiency of its operations and allow these wonderful technologies to be delivered to patients more quickly.

I want to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) as well as the gentleman from California (Mr. WAXMAN) and each of their staffs for this legislation. This has been another outstanding example of teamwork and bipartisanship on the part of the Committee on Energy and Commerce.

Mr. Speaker, I urge a “yes” vote on this bill.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support this legislation which is intended to, and will,

help ensure that FDA's medical device user fee and third-party review programs operate as intended. The goal of these programs is to promote timely access to medical devices without compromising FDA's ability to properly evaluate both the safety and the effectiveness of those devices. Successful bipartisan negotiations produced the authorizing legislation for these programs, and it is the same with this follow-up measure today.

I commend the gentlewoman from California (Ms. ESHOO) and the gentleman from Pennsylvania (Mr. GREENWOOD) as well as the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL) and the gentleman from Florida (Mr. BILIRAKIS), the subcommittee Chair, for their leadership on this successful committee effort. Unfortunately, the need for noncontroversial technical corrections is not the only obstacle preventing the medical device user fee program from fulfilling its potential. It is important for colleagues on both sides of the aisle to be aware that continuation of the user fee program, and it is this program that enables patients to receive cutting-edge medical devices on a timely basis, the continuation of the user fee program does in fact hinge on the appropriations process.

User fees do no incremental good if they supplant, rather than supplement, Federal spending. As in the successful prescription drug user fee program, the continuation of user fees depends on sufficient annual appropriations. Last year's appropriation for medical device reviews was insufficient to sustain the medical device user fee program in an optimal way. If this year's appropriation does not address that shortfall, the user fee program will likely fold.

Hard work went into establishing this program. The existence of the program enables patients more timely access to medical devices at no additional cost to American taxpayers. We need to make sure the program does not indeed fold.

I hope the President's budget includes sufficient funding for the user fee program, and I hope we follow through by allocating sufficient dollars to keep this program alive.

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

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ESHOO), one of the architects of this bill.

Ms. ESHOO. Mr. Speaker, I thank our distinguished ranking member and my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD) who, together we introduced this legislation, H.R. 3493. I appreciate always his cooperation and that of his staff. This is not the first effort where we have worked together and been successful. We are proud of that and proud of the work that has come out of our committee.

This bill makes important technical corrections. While it may seem a little dull and dry, the technical corrections really enhance the Medical Device User Fee and Modernization Act which was a very important piece of legislation which allowed major new programs that really streamline the Food and Drug Administration's medical device approval process to be actually implemented. This bipartisan bill is about making sure that patients are, one, able to safely benefit from new medical technologies and, secondly, as quickly as possible. As medical technologies become more advanced, it takes more attention and resources to ensure that these products are safe and effective.

Last year, the House overwhelmingly passed the Medical Device User Fee and Modernization Act which helps the FDA get lifesaving products to patients faster, as well as resources to the agency to assure this. Specifically under that law, and I think it is important to underscore what was in that law and why we are bolstering it, the importance of bolstering it today, the medical device industry agreed to pay fees to the FDA for every product it proposes to market. These fees will help the FDA hire additional staff, much needed, I might add, and to purchase needed equipment so that they can review the products on a timely basis.

Secondly, the resources were increased for additional inspections of manufacturing plants and facilities, a very, very important part of that legislation, as well as the creation of an Office of Combination Products to shepherd advanced products, such as devices with drug coating, through the approval process. This new administrative flexibility allows the FDA to devote its resources to the devices that patients need most.

Finally, the bill created a way to regulate what are known as reprocessed devices. Some people may have tuned into nationally televised programs where the national discovery was made that reprocessed devices were being used in hospitals unbeknownst to doctors and unbeknownst to patients. I did not like that when I heard it, and we addressed it in the bill.

The bill requires that reprocessed products undergo additional scrutiny by the FDA and that they be held to the highest standards that the FDA can apply. It also required that doctors, who are often unaware that they are using a reprocessed device, be informed about the reused device so that they can, in turn, inform their patients about the reused device.

This Technical Corrections Act is an important bill because it is ultimately, Mr. Speaker, about patients, and it will implement the Medical Device User Fee and Modernization Act as Congress fully intended.

One of the best parts of doing something like this is to work with the very able people that helped make it possible, so I want to thank the gentleman from Louisiana (Mr. TAUZIN), chairman

of our full committee; the gentleman from Florida (Mr. BILIRAKIS), our distinguished subcommittee chairman; the gentleman from Michigan (Mr. DINGELL), ranking member of our full committee; the gentleman from California (Mr. WAXMAN) and certainly my colleague, who is the ranking member of the Subcommittee on Health.

I also want to thank several staff people: Pat Ronan of Chairman TAUZIN's staff; Alan Eisenberg of the office of the gentleman from Pennsylvania (Mr. GREENWOOD); John Ford of the office of the gentleman from Michigan (Mr. DINGELL); and Anne Witt of the office of the gentleman from California (Mr. WAXMAN). Without all of these good people, we would not be here today doing this. So we have come a long way, and I think we have created something that will serve our country very well.

I urge all of my colleagues to vote for this, to make it unanimous. We will then accomplish yet something else very good and important for the American people.

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

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

I also would like to thank my very able staff member, Mr. Alan Eisenberg, for his tireless work on this and so many other issues.

Ms. JACKSON-LEE of Texas, Mr. Speaker, I rise today as a supporter of H.R. 3493 which amends Federal Food, Drug, and Cosmetic Act. This legislation is necessary to clarify certain provisions relating to the Medical Device User Fee and Modernization Act of 2002. I am pleased to see that this bill enjoys broad bipartisan support in this body after it was passed by unanimous consent in the Senate. It is imperative that we continually update and rework the regulations that govern the use of our Nation's medical devices.

I would also like to recognize my distinguished colleague Representative SHERROD BROWN and affirm his view on the necessity of providing additional appropriations funding for the Medical Device User Program. In the last series of appropriations this vital program was under funded and was left with a potentially dangerous mandate. While H.R. 3493 is a timely bill, we must make sure to provide the necessary resources for all medical device programs in order to make this legislation truly effective.

Mr. ENGEL. Mr. Speaker, I rise today in support of the Medical Devices Technical Corrections Act. This bipartisan legislation makes technical corrections to the Medical Device User Fee and Modernization Act of 2002, which I was proud to cosponsor.

The Medical Device User Fee and Modernization Act has several key components that will result in a better, more efficient process in which the Food and Drug Administration works with medical device companies to review applications, inspect device plants, and ensure that reprocessed devices are used in a safe and identifiable fashion. The user fees included in the legislation are intended to provide FDA with additional resources to review new or updated device applications more quickly, but also more effectively. Every day,

medical devices save or improve the lives of patients around the world and this legislation will mean that patients will have access to new and improved devices in a much timelier fashion.

Mr. Speaker, the manner in which the Energy and Commerce Committee worked to enact the original bill and the legislation before us today should be a model for future legislative efforts. Because of the truly bipartisan process, the Medical Device User Fee and Modernization Act enjoys widespread support which will work to ensure its success. I commend the medical device community and my colleagues for their efforts to improve the delivery of health care to millions of Americans.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and pass the bill, H.R. 3493, as amended.

The question was taken.

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

Mr. GREENWOOD. 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.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, FEBRUARY 4, 2004, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY JOSE MARIA AZNAR, PRESIDENT OF THE GOVERNMENT OF SPAIN

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, February 4, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Jose Maria Aznar, President of the Government of Spain.

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

There was no objection.

RECESS

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

Accordingly (at 2 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mrs. BIGGERT) at 6 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 610, NASA WORKFORCE FLEXIBILITY ACT OF 2003

Mr. LINCOLN DIAZ-BALART of Florida from the Committee on Rules, submitted a privileged report (Rept. No. 108-406) on the resolution (H. Res. 502) providing for consideration of the Senate bill (S. 610) to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1920, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2004

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108-407) on the resolution (H. Res. 503) providing for consideration of the Senate bill (S. 1920) to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted, which was referred to the House Calendar and ordered to be printed.

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.R. 1385, by the yeas and nays; and H.R. 3493, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote; the second will be conducted as a 5-minute vote.

BREAST CANCER STAMP EXTENSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1385, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 1385, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 331, nays 1, not voting 100, as follows:

[Roll No. 6]

YEAS—331

Aderholt	Foley	Matsui
Akin	Fossella	McCarthy (MO)
Allen	Frank (MA)	McCarthy (NY)
Andrews	Franks (AZ)	McCollum
Baca	Frelinghuysen	McCotter
Baird	Garrett (NJ)	McCrery
Baker	Gerlach	McDermott
Baldwin	Gibbons	McGovern
Barrett (SC)	Gilchrest	McHugh
Bartlett (MD)	Gillmor	McInnis
Barton (TX)	Gingrey	McKeon
Bass	Gonzalez	McNulty
Beauprez	Goode	Meehan
Becerra	Goodlatte	Meek (FL)
Bell	Gordon	Menendez
Bereuter	Goss	Mica
Berkley	Granger	Michaud
Berman	Graves	Millender-
Berry	Green (TX)	McDonald
Biggert	Green (WI)	Miller (FL)
Bilirakis	Greenwood	Miller, Gary
Bishop (GA)	Grijalva	Moore
Bishop (NY)	Gutierrez	Moran (KS)
Bishop (UT)	Hall	Moran (VA)
Blackburn	Harman	Murphy
Blumenauer	Harris	Musgrave
Blunt	Hart	Myrick
Boehlert	Hastings (WA)	Napolitano
Boehner	Hayes	Neal (MA)
Bonilla	Hayworth	Nethercutt
Bonner	Hefley	Neugebauer
Boswell	Hensarling	Ney
Boyd	Hergert	Norwood
Bradley (NH)	Hill	Nunes
Brady (TX)	Hinchey	Nussle
Brown (OH)	Hinojosa	Oberstar
Brown (SC)	Hoeffel	Obey
Brown-Waite,	Hoekstra	Olver
Ginny	Holden	Osborne
Burgess	Holt	Ose
Burns	Hoolley (OR)	Otter
Burton (IN)	Hostettler	Oxley
Cannon	Houghton	Pallone
Cantor	Hoyer	Pascrell
Capito	Hulshof	Pastor
Capps	Insee	Pearce
Cardin	Isakson	Pelosi
Cardoza	Issa	Pence
Carson (IN)	Istook	Peterson (MN)
Case	Jackson (IL)	Peterson (PA)
Castle	Jackson-Lee	Petri
Chabot	(TX)	Pickering
Chocola	Jefferson	Pitts
Clay	John	Platts
Coble	Johnson (CT)	Pomeroy
Cole	Johnson, E. B.	Porter
Collins	Johnson, Sam	Portman
Conyers	Jones (OH)	Pryce (OH)
Cooper	Kanjorski	Putnam
Cox	Kaptur	Quinn
Cramer	Keller	Radanovich
Crane	Kelly	Rahall
Crenshaw	Kennedy (MN)	Ramstad
Crowley	Kennedy (RI)	Rangel
Cubin	Kildee	Regula
Davis (AL)	Kilpatrick	Rehberg
Davis (CA)	Kind	Renzi
Davis (FL)	King (IA)	Reynolds
Davis (IL)	King (NY)	Rogers (AL)
Davis (TN)	Kirk	Rogers (MI)
Davis, Tom	Kline	Ros-Lehtinen
Deal (GA)	Knollenberg	Ross
DeLauro	Kolbe	Ruppersberger
DeLay	LaHood	Ryan (WI)
Deutsch	Lampson	Ryun (KS)
Diaz-Balart, L.	Langevin	Sanchez, Loretta
Diaz-Balart, M.	Larsen (WA)	Sanders
Dicks	Larson (CT)	Saxton
Dooley (CA)	Latham	Schakowsky
Doyle	Lee	Schiff
Dreier	Levin	Schrock
Dunn	Lewis (GA)	Scott (VA)
Edwards	Lewis (KY)	Sensenbrenner
Ehlers	Linder	Sessions
Emanuel	LoBiondo	Shadegg
Emerson	Lofgren	Shaw
Engel	Lowey	Shays
Eshoo	Lucas (KY)	Sherman
Etheridge	Lucas (OK)	Sherwood
Evans	Lynch	Shimkus
Everett	Majette	Shuster
Farr	Maloney	Simmons
Feeney	Manzullo	Simpson
Ferguson	Markey	Skelton
Filner	Marshall	Smith (MI)
Flake	Matheson	Smith (NJ)

Smith (TX) Thompson (CA) Walden (OR)
 Smith (WA) Thompson (MS) Walsh
 Snyder Thornberry Watt
 Solis Tiahrt Waxman
 Spratt Tierney Weiner
 Stearns Toomey Weldon (FL)
 Stenholm Towns Weller
 Strickland Turner (OH) Whitfield
 Stupak Turner (TX) Wickler
 Sweeney Udall (CO) Wilson (NM)
 Tancredo Udall (NM) Woolsey
 Tanner Upton Wu
 Taylor (MS) Van Hollen Wynn
 Taylor (NC) Velazquez Young (AK)
 Terry Visclosky
 Thomas Vitter

NAYS—1

Paul
 NOT VOTING—100

Abercrombie Forbes Payne
 Ackerman Ford Pombo
 Alexander Frost Price (NC)
 Bachus Gallegly Reyes
 Ballance Gephardt Rodriguez
 Ballenger Gutknecht Rogers (KY)
 Bono Hastings (FL) Rohrabacher
 Boozman Hobson Rothman
 Boucher Honda Roybal-Allard
 Brady (PA) Hunter Royce
 Brown, Corrine Hyde Rush
 Burr Israel Ryan (OH)
 Buyer Jenkins Sabo
 Calvert Johnson (IL) Sanchez, Linda
 Camp Jones (NC) T.
 Capuano Kingston Sandlin
 Carson (OK) Kleczka Scott (GA)
 Carter Kucinich Serrano
 Clyburn Lantos Slaughter
 Costello LaTourette Souder
 Culberson Leach Stark
 Cummings Lewis (CA) Sullivan
 Cunningham Lipinski Tauscher
 Davis, Jo Ann McIntyre Tauzer
 DeFazio Meeks (NY) Tiberi
 DeGette Miller (MI) Wamp
 Delahunt Miller (NC) Waters
 DeMint Miller, George Watson
 Dingell Mollohan Weldon (PA)
 Doggett Murtha Wexler
 Doolittle Nadler Wilson (SC)
 Duncan Northup Wolf
 English Ortiz
 Fattah Owens Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1855

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEDICAL DEVICES TECHNICAL CORRECTIONS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3493, as amended.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and pass the bill, H.R. 3493, as amended, on which the yeas and nays are ordered.

The Chair announces that this will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 0, not voting 99, as follows:

[Roll No. 7]
 YEAS—333
 Ferguson Marshall
 Filner Matheson
 Flake Matsui
 Foley McCarthy (MO)
 Baca McCarthy (NY)
 Frank (MA) McCollum
 Franks (AZ) McCotter
 Frelinghuysen McCreery
 Garrett (NJ) McDermott
 Gerlach McGovern
 Gibbons McHugh
 Gilchrest McInnis
 Gillmor McKeon
 Gingrey McNulty
 Gonzalez Meehan
 Goode Meek (FL)
 Goodlatte Menendez
 Gordon Mica
 Goss Michaud
 Granger Millender-
 Graves McDonald
 Green (GA) Miller (FL)
 Bishop (NY) Miller, Gary
 Bishop (UT) Moore
 Blackburn Grijalva
 Blumenauer Gutierrez
 Blunt Hall
 Boehlert Harman
 Boehner Harris
 Bonilla Hart
 Bonner Hastings (WA)
 Boswell Hayes
 Boyd Hayworth
 Bradley (NH) Hefley
 Brady (TX) Hensarling
 Brown (OH) Herger
 Brown (SC) Hill
 Brown-Waite, Hinchey
 Ginny Hinojosa
 Burgess Hoeffel
 Burns Hoekstra
 Burton (IN) Holden
 Cannon Holt
 Cantor Hooley (OR)
 Capito Hostettler
 Capps Hoyer
 Cardin Hulshof
 Cardoza Inslee
 Carson (IN) Isakson
 Carter Issa
 Case Istook
 Castle Jackson (IL)
 Chabot Jackson-Lee
 Chocola (TX)
 Clay Jefferson
 Coble John
 Cole Johnson (CT)
 Collins Johnson, E. B.
 Conyers Johnson, Sam
 Cooper Jones (OH)
 Cox Kanjorski
 Cramer Kaptur
 Crane Keller
 Crenshaw Kelly
 Crowley Kennedy (MN)
 Cubin Kennedy (RI)
 Cummings Kildee
 Davis (AL) Kilpatrick
 Davis (CA) Kind
 Davis (FL) King (IA)
 Davis (IL) King (NY)
 Davis (TN) Kirk
 Davis, Tom Kline
 Deal (GA) Knollenberg
 DeLauro Kolbe
 DeLay LaHood
 DeMint Lampson
 Deutsch Langevin
 Diaz-Balart, L. Larsen (WA)
 Diaz-Balart, M. Larson (CT)
 Dicks Latham
 Dooley (CA) Lee
 Doyle Levin
 Dreier Lewis (GA)
 Dunn Lewis (KY)
 Edwards Linder
 Ehlers LoBiondo
 Emanuel Lofgren
 Emerson Lowey
 Engel Lucas (KY)
 Eshoo Lucas (OK)
 Etheridge Lynch
 Evans Majette
 Everrett Maloney
 Farr Manzullo
 Feeney Markey

Smith (MI) Terry
 Smith (NJ) Thomas
 Smith (TX) Thompson (CA)
 Smith (WA) Thompson (MS)
 Snyder Thornberry
 Solis Tiahrt
 Spratt Tierney
 Stearns Toomey
 Stenholm Towns
 Strickland Turner (OH)
 Stupak Turner (TX)
 Sweeney Udall (CO)
 Tancredo Udall (NM)
 Tanner Upton
 Taylor (MS) Van Hollen
 Taylor (NC) Velazquez

NOT VOTING—99

Abercrombie Gallegly Price (NC)
 Ackerman Gephardt Reyes
 Alexander Gutknecht Rodriguez
 Bachus Hastings (FL) Rogers (KY)
 Ballance Hobson Rohrabacher
 Ballenger Honda Rothman
 Bono Houghton Roybal-Allard
 Boozman Hunter Royce
 Boucher Hyde Rush
 Brady (PA) Israel Ryan (OH)
 Brown, Corrine Jenkins
 Burr Johnson (IL) Sabo
 Buyer Jones (NC) Sanchez, Linda
 Calvert Kingston T.
 Camp Kleczka Sandlin
 Capuano Kucinich Scott (GA)
 Carson (OK) Lantos Serrano
 Clyburn LaTourette Simmons
 Costello Leach Slaughter
 Culberson Lewis (CA) Souder
 Cunningham Lipinski Stark
 Davis, Jo Ann McIntyre Sullivan
 DeFazio Meeks (NY) Tauscher
 DeGette Miller (MI) Tauzin
 Delahunt Miller (NC) Tiberi
 Dingell Miller, George Wamp
 Doggett Mollohan Waters
 Doolittle Murtha Watson
 Duncan Nadler Weldon (PA)
 English Northup Wexler
 Fattah Ortiz Wilson (SC)
 Forbes Owens Wolf
 Ford Payne Young (FL)
 Frost Pombo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1913

So (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 2682

Mrs. LOWEY. Madam Speaker, I ask unanimous consent to have the following names removed as cosponsors of H.R. 2682: Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. DEUTSCH, Mr. WALSH, and Mr. BLUMENAUER.

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

There was no objection.

SPECIAL ORDERS

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

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

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

□ 1915

GOP AGENDA ON UNINSURED OF AMERICA

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

Mr. BURGESS. Mr. Speaker, just last week in his State of the Union Address, the President brought before the House a three-point plan for helping reduce the number of uninsured Americans.

Mr. Speaker, I was very grateful to hear the President's discussion of this plan. Of course, here in this House in November this year past, as part of the Medicare Modernization Act that we passed November 22, we also included a provision for health savings accounts.

Health savings accounts, Mr. Speaker, are a program that has been near and dear to my heart for many years. My last 5 years of medical practice, I had a medical savings account, and I saw firsthand the value of being able to build that account, to build those dollars in a tax-free, tax-deferred account completely dedicated to health care needs.

The new health savings accounts will give Americans more choice in their health care. Of course, they can choose their own physician and consult with their doctor about services they need and services they can afford, but it puts the consumer, it puts the patient, back in the driver's seat and actually gives them a stake, not just in their health outcome, but how their health dollars are spent.

Mr. Speaker, I believe this is an extremely important point. I believe that putting consumers back in charge of how health care expenditures are made will be one way of reducing the cost of delivering care.

Health savings accounts will give Americans health care that is much more portable than the current employer-derived accounts. As over half of all Americans receive their health care coverage through their employer, health savings accounts become even more important because if someone loses their job, of course they lose health care coverage; but with the health savings account, that money obviously would be rolled over and would continue to be there to cover the worker or their families.

Health savings accounts promote savings and wealth generation. Currently, unfortunately, Mr. Speaker, Americans save only 2 percent of their annual income. The average in Western industrialized nations is around 10 percent. But with health savings accounts,

we will promote savings and will promote wealth generation.

Mr. Speaker, I need to point out, this is wealth that can be passed on from generation to generation. It is actually owned by that individual. It is not some program that when a person dies, that program goes away.

Many health savings accounts generate a 4 percent return on investment, and with the miracle of compound interest, Mr. Speaker, that money can grow significantly over time. Of course, as the market continues to improve, some health savings accounts could generate a much higher return.

Another program that the President mentioned and actually is no stranger to this House because we passed H.R. 660 last June, but Association Health Plans, Mr. Speaker, I believe, are a powerful tool in allowing small businesses to continue to provide employer-derived insurance for their employees.

Right now, Mr. Speaker, small businesses are handicapped by high insurance prices and State mandates when shopping for health insurance. But Association Health Plans would allow bona fide business and trade associations to negotiate health care coverage rates with employers utilizing a much larger pool of employees, not just the individual small business employee pool. Removal of some State mandates, which a large majority of businesses avoid under ERISA, would assist small businesses by giving them the ability to shop for health coverage that meets the needs of their employees without the inclusion of extraneous and expensive State-mandated benefits.

Mr. Speaker, the final program that was mentioned by the President in his State of the Union address, that is actually a bill that has been introduced by our neighbor, Kay Granger, in Fort Worth, involves tax credits for the uninsured.

Tax credits are perhaps the best way and the most immediate way to help the 43 million Americans who have not been able to purchase health insurance. Fully refundable, prepaid tax credits would give low-income individuals and families immediate purchasing power in the health insurance market. Some studies estimate that there could be a 50 to 80 percent reduction in the number of uninsured Americans if the Federal Government made available a fully refundable health insurance tax credit.

Mr. Speaker, the other thing that we can do, and we have done in this House, but the other thing we can do at the Federal level to help with the problem of the uninsured is to reduce the enormous cost of the liability system, that burden that is placed on the health care delivery system in this country. I know this House has acted on that this past year, but our work is not through, and we need to encourage those Members of the other body who may be so inclined to move that legislation through their body.

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

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

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

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

MEDICAL MALPRACTICE CRISIS

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

Mr. SHUSTER. Mr. Speaker, I rise tonight to report back on the last 3 weeks I spent in my district, traveling the district, visiting with the 13 hospital and medical centers that are in my district, to talk to them about the Prescription Drug and Medicare Modernization Act that we passed here in November and the President signed into law.

I would like to report they have been very pleased with what we did here in Congress. The doctors are pleased with the reimbursement increase they are going to receive, and our hospitals are pleased with what we have done. I have a rural district, and the rural package that we put forth for these hospitals is very important to their financial well-being.

But as we talked about what we did in the bill, the discussion quickly turned to what we have not done here in Congress. In the House, we have attempted to do it three times, passed legislation to reform medical malpractice, but it has not passed in the other body, and as I talked to these CEOs, doctors and nurses, we talked about the stories in various areas of the district.

In Indiana County, for instance, the home of Jimmy Stewart, a very well-respected and beloved orthopedic surgeon, Dr. Paul Burton, left Pennsylvania for California 6 months ago due to the medical malpractice crisis in the State of Pennsylvania.

In Blair County, Pennsylvania, the largest hospital in my district, the Altoona Hospital, in 1999 they paid approximately \$1 million in malpractice insurance; last year, that number jumped up to almost \$3 million, and not a penny of it was used to help patients.

Pennsylvania physicians paid over \$350 million in malpractice insurance premiums, which ranks them second in the Nation, nearly 10 percent of the Nation's total, despite having less than 5 percent of the Nation's physicians.

There are countless stories like these, not only in my district, but across this country. In 2002, an American Medical Association analysis found that 12 States were in crisis. That number has now reached 19, and they include Pennsylvania, New York, New Jersey, Connecticut, West Virginia, Ohio, Kentucky, North Carolina, Georgia, Florida, Mississippi, Arkansas, Missouri, Illinois, Texas, Wyoming, Nevada, Oregon and Washington. Together, these States represent almost half the population of the entire country.

America's medical liability system is broken. Jury awards are a big part of that problem. In 2002, 52 percent of all awards were for \$1 million or more. Today that average is over \$3.5 million. In the city of Philadelphia, juries awarded more than the entire State of California, which is outrageous. If left unrestrained, these jury awards will continue to spiral out of control.

One of the most serious consequences of the medical malpractice crisis is patients' access to care. Physicians are being forced to limit services, retire early or move to other States where medical malpractice reform has taken place.

During my tour, I met an ear, nose and throat physician who is trying to recruit another doctor for his practice. He told me that when he goes to these conferences and speaks to the residents or other physicians, as soon as they hear he is from Pennsylvania, they say, "No way." In fact, last year not a single orthopedic resident that was trained in Pennsylvania stayed in Pennsylvania to practice medicine due to the medical malpractice situation in our State.

Not just doctors and hospitals pay for this medical malpractice insurance, but all patients pay the escalating costs of this crisis. Health and Human Services estimates that medical liability costs add \$60 billion to \$108 billion to the total cost of health care each year, \$47 billion annually to what the Federal Government pays for Medicare, Medicaid, VA and health care for Federal employees.

Costs are further increased by additional unnecessary tests and treatments that are performed by physicians practicing defensive medicine, trying to avoid being sued.

The solution to all of this is reform. The House passed, as I said, three times, medical liability reform, proposing a cap of \$250,000 on noneconomic damages. The HEALTH Act, H.R. 5, of which I am a cosponsor, which we passed in the spring, would still allow for unlimited economic damages, while also establishing a reasonable limit on the pain and suffering awards.

I salute the President for bringing this to the forefront in his State of the

Union message and as he traveled the country the past couple of days talking about the need for medical malpractice reform in this country. I would also urge the other body to move this important legislation, so that we can give the relief needed, the much-needed relief, to our health care system.

JUSTICE AND EQUITY FOR MEMBERS OF THE UNITED STATES MERCHANT MARINE

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

Mr. FILNER. Mr. Speaker, I rise today to ask the Congress to correct an injustice that has been inflicted upon a group of World War II veterans, the World War II United States Merchant Mariners.

World War II Merchant Mariners suffered the highest casualty rate of any of the branches of services while they delivered troops, tanks, food, airplanes, fuel and other needed supplies to every theater of the war. Compared to the large number of men and women serving in World War II, the numbers of Merchant Mariners were small, but their chance of dying during service was extremely high. Enemy forces sank over 800 ships between 1941 and 1944 alone.

Unfortunately, this group of brave men were denied their rights under the GI Bill of Rights which Congress enacted in 1945. All those who served in the Army, Navy, Marine Corps, Air Force or Coast Guard were recipients of benefits under the GI Bill. The United States Merchant Marine was not included.

Mr. Speaker, the Merchant Marine became the forgotten service. For four decades, no effort was made to recognize the contribution made by this branch of the Armed Forces. The fact that merchant seamen had borne arms during wartime in the defense of their country did not seem to matter.

No legislation to benefit merchant seamen was passed by Congress until 1988 when the Seaman Acts of 1988 finally granted them the status of veteran and a "watered down" GI Bill of Rights. Some portions of the GI Bill have never been made available to veterans of the Merchant Marine.

While it is impossible to make up for over 40 years of unpaid benefits, I propose a bill that will acknowledge the service of the veterans of the Merchant Marine and offer compensation for years and years of lost benefits. My bill, H.R. 3729, the Belated Thank You to the Merchant Mariners of World War II Act of 2004, would pay each eligible veteran a monthly benefit of \$1,000. That payment would also go to their surviving spouse.

The average age of Merchant Marine veterans is now 81. Many have outlived their savings. A monthly benefit to compensate for the loss of nearly a lifetime of ineligibility for the GI Bill

would be of comfort and would provide some measure of security for veterans of the Merchant Marine.

I owe a debt of gratitude to Ian Allison, Merchant Marine combat veteran, Co-Chairman of the Just Compensation Committee, for bringing to me the plight of the Merchant Mariners. To recognize Mr. Allison, his Co-Chairman, Henry Van Gemert, and the thousands of veterans of the United States Merchant Marine, I today introduce the Belated Thank You to the Merchant Mariners of World War II Act of 2004, today, January 27, 2004, the date of Mr. Allison's 84th birthday.

I urge my colleagues to join me in co-sponsoring this legislation. We can never make up for the years lost, but we can fix the injustice by passing H.R. 3729 as quickly as possible.

TRIBUTE TO MONTEREY CITY COUNCILWOMAN RUTH VREELAND

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

Mr. FARR. Mr. Speaker, I rise tonight in these hallowed halls of Congress to pay tribute to a colleague in public service, Monterey City Councilwoman Ruth Vreeland, killed in an automobile accident on Highway 101 in southern Monterey County just this last Sunday.

What a loss. This 68-year-old woman had the energy of 100 locomotives. Involved in everything, teacher, statewide education activist, 20-year city councilwoman, statewide League of Cities activist, Democratic Party activist, mother, member of various boards. She was always there, always prepared, and always wanting to do more.

Born in Chunking, China, she grew up in Szechwan Province where her parents worked as medical missionaries. Returning to Toronto, Canada, in 1940, and moving to San Francisco where her parents taught at the University of California, Berkeley, Ruth earned a bachelor's degree in arts and education from San Francisco State University. She also met her husband there, Dick Vreeland, and then continued on to the University of San Francisco to earn a master's degree in organizational development.

In 1956, she moved to Monterey Peninsula to teach school, and was elected to the Monterey City Council with the intention of protecting the quality of life in the city of Monterey.

"This town is more than buildings and streets; first it is people," she wrote in her campaign statement. She championed the tearing down of the waterfront buildings so that people could see the Bay where California began. She replaced the buildings with parks and recreational trails, the now highly successful Window on the Bay Project.

She served in a variety of leadership positions, including the League of California Cities Board of Directors, Institute for Local Self-Government, the 20th District Parent-Teacher Association, the Monterey Bay Task Force, Quota International, Women in Municipal Government, Friends Outside of the Monterey County, and the Overall Economic Development Committee of Monterey County.

She was also a Volunteers in Action Board Member, a Monterey City Council member since 1983, an alternate in the Monterey Bay Sanctuary Advisory Council and a former president of the Association of Monterey Bay Area Governments, the Monterey Peninsula Concert Association and the Winnie the Pooh Chapter of the Children's Home Society.

□ 1930

She was involved in various organizations.

Tonight, in paying tribute, I would also like to recognize my colleague, the minority leader of the United States House of Representatives, the gentlewoman from San Francisco, California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I want to join our distinguished colleague, the gentleman from California (Mr. FARR), in paying tribute to Ruth Vreeland. I thank him, as one who admired her on behalf of so many who learned from her over the years, for my colleague's magnificent tribute to her, which I know he has not finished. I will not take a lot of time because I know he needs the time to put the full tribute into the RECORD.

As one who worked with her for over 25 years in the California Democratic Party, I know of her love of country. She was a true patriot. She loved our country. She loved its people. She loved its natural environment. She loved our civil liberties. She was a model citizen.

My daughter Christine, I know, would want to join with me, who worked with her on the platform committee, in expressing our sympathies to her family in saying that we will remember her with great affection, admiration, and respect.

I thank the distinguished gentleman from California (Mr. FARR) and thank him for his leadership in presenting the very, very excellent credentials of Ms. Vreeland to our colleagues.

Mr. FARR. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI) for joining us. I know her family and all her friends and people in elected government will be so touched because she was a big admirer of the gentlewoman. My colleague led the way for women in politics.

Throughout her life, many of these organizations honored her outstanding commitment and service to our Bay community with awards. The Volunteers in Action honored her community service. The Sierra Club honored her for outstanding achievement. Planned

Parenthood named her an Outstanding Woman in Politics. The Monterey Rotary named her an Outstanding Teacher. Furthermore, the Fisherman's Wharf named her the Wharf Rat of the Year in 1995. The California Democratic Party recognized her for outstanding services. J.C. Penney gave her the Golden Rule Award. And the Old Monterey Business Association recognized her for exceptional dedication. The Monterey Civic Club honored her for being a community volunteer. Finally, the Association of Monterey Bay Area Governments recognized her for 20 years of service.

As I mentioned earlier, and as you can see from this lengthy list of accomplishments, Ruth was always moving, always involved. Her friends wondered if she ever had time to sleep. She adored her family and always seemed to be on her way to visit the next child. In fact, the tragic accident that led to her death occurred as she returned from visiting one of her three daughters, Lauren, Amy and Meslissa. Among the three of them, they have seven of Ruth and Dick's grandchildren.

Ruth and Dick's home blended the elements of Ruth Vreeland's youth in China with Japanese culture that Dick Vreeland picked up in the Army.

She was also involved with various organizations including the Monterey Vista Homeowners Association, Community of Caring, League of Women Voters, American Association of University Women, California Teachers Association, Monterey Bay Teachers Association, Responsible Hospitality, California Elected Women's Association for Education and Research, Monterey Main Street Program, National Organization of Women, Old Monterey Preservation Society, Sierra Club, ACLU, State Theater Preservation Group, Monterey Civic Club, Monterey History and Art Association, American Association for Retired Persons, California Retired Teachers' Association, and the Unitarian Church.

She cooked Chinese food and raised the children to use chopsticks. A proud naturalized citizen from Canada, Vreeland also instilled civic values in her daughters. "She believed in this country because she was naturalized in it and she taught me what patriotism is," her daughter said.

Vreeland also continued to tackle the large-scale problems that had always energized her. The Sierra Club recognized her in the 1980's for fighting offshore drilling and sewage spills. She traveled to Sacramento and Washington to promote education and local government, rising to leadership roles with the Association of Monterey Bay Area Governments and the League of California Cities.

Vreeland was active in Democratic Party politics and was not afraid to bring progressive political causes to Monterey. She challenged the city in 1988 for not having enough women and minorities in management positions, and a decade later she discouraged the council from subsidizing the Boy Scouts because of its exclusionary policies toward gays.

In the months before her death, Vreeland's last big project was saving education and local government in the face of California's budget crisis, a problem epic enough to discourage even the most ardent community activist.

But not Ruth Vreeland.

America will miss her. She came to this country to do good—we are all better for it and will miss her forever.

The SPEAKER pro tempore (Mr. NEUGEBAUER). 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.)

FOCUSING CONGRESS' ATTENTION ON THE BASIS FOR THE WAR IN IRAQ

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

Mr. HINCHEY. Mr. Speaker, as we begin this second session of the 108th Congress, there is a great deal of very important work that remains for us to accomplish.

Primarily, among those things that need to be done is simply this: this Congress needs to focus its attention on the basis for the war in Iraq, why we are there; why that war was carried out; and what were the basic reasons behind it.

We were told initially by the administration that there was a connection between Iraq and the attack on our country of September 11, 2001, and that there was a relationship between al Qaeda and Saddam Hussein. That has proven to be completely false.

Subsequently, this Congress was told repeatedly, even in classified briefings right here on the floor of the House of Representatives, carried out by the Secretary of Defense and others, that the reason we were going to war in Iraq was because of the fact that Iraq possessed chemical and biological weapons, so-called weapons of mass destruction. And as the President put it, Iraq constituted a deep and ongoing threat to the United States; and as Vice President CHENEY put it, Iraq constitutes an imminent threat to the United States because of these so-called weapons of mass destruction, chemical and biological weapons, which were alleged to be in Iraq in large numbers.

We have now come to learn quite clearly that that was wrong, that there were no weapons of mass destruction, no chemical or biological weapons in any significant amount held in Iraq by Saddam Hussein or by anyone else. Many of us knew that. Many of us knew that 15 months ago when this Congress voted on a resolution authorizing the administration to carry out a war in Iraq. We knew it, we said so, and we voted against that resolution.

Nevertheless, many others were taken in by what was coming out of the White House and elsewhere within the administration. And they voted for the war in Iraq, many of them, based on the belief that they were being told

the truth about the possession of weapons of mass destruction by the regime of Saddam Hussein. Again, now we know very clearly that that was not the case and that the administration knew it was not the case.

Most recently we have the report from the outgoing head of the American weapons inspection team in Iraq, David Kay. David Kay has now completed his report as he retires from that position, and he has said to us very, very clearly in that report that there were no weapons of mass destruction in Iraq, no chemical or biological weapons; that the biological and chemical weapons that were there, many of them were destroyed in the first Gulf War in 1991 and the rest were discovered and destroyed by the ongoing United Nations weapons inspection program.

We also have information from the Carnegie Endowment for International Peace, which has done a very comprehensive study of the issue of so-called weapons of mass destruction in Iraq. The Carnegie Endowment for International Peace has set forth in a very detailed report that there were no weapons of mass destruction held by the Saddam Hussein regime not since the end of the first Gulf War, and shortly thereafter they were destroyed as a result of weapons inspection program, the U.N. weapons inspection program.

Again, another clear indication that the premise that was laid forth by the administration to this Congress in order to get a resolution passed authorizing the carrying out of that war was false. It was fabricated. And this Congress was misled.

That leaves us with the very serious problem of finding out why that was done and who was responsible for doing it. That is important because of the situation we currently find ourselves in in Iraq, including the situation we find ourselves in with regard to the war on terrorism.

Our attention has been diverted away from al Qaeda and away from the war on terrorism. And we find ourselves in Iraq in a war that has already cost more than 500 American lives. The lives of more than 500 American servicemen and -women have been lost. Another more than 2,500 American servicemen and -women have been seriously wounded, all on the basis of pretense.

Therefore, we must conduct a complete and thorough investigation as to what happened, and that investigation must commence immediately.

WE NEED MORE MILITARY END STRENGTH

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

Mr. SKELTON. Mr. Speaker, last year I stood in this well and called on my colleagues to support an increase in

the Nation's military end strength, the number of people in our uniformed services. I am pleased that my colleagues rose to the challenge and recognized the increased pressures that have been placed on our servicemembers. As a result, Congress last year authorized an increase in end strength of 2,400 soldiers for the Army and 300 airmen for the Air Force.

Unfortunately, this increase is just a small down payment on what the services, particularly the Army, need in order to meet today's increased operational tempo. Nearly a decade ago, Congress heard from the Army leadership about the need for an increase in end strength. The then Army Deputy Chief of Staff for Personnel, General Ted Stroup, testified before the Committee on Armed Services that the Army needed 25,000 more soldiers to meet ongoing operational needs. Our ongoing operations in Afghanistan and Iraq have only made the need for additional troops more imperative. I think we need an additional 40,000-person end strength increase in the Army alone, not to mention the other services.

Many servicemembers who were sent to Afghanistan to search for Osama bin Laden and defeat the al Qaeda went home after their tours only to be told to pack their bags because they were going to Iraq for a year. Brigades from the 10th Mountain Division and from the 101st Airborne Division were sent to Afghanistan. They returned home for a relatively short duration, and then they were sent to Iraq to prosecute Operation Iraqi Freedom. If we continue these back-to-back deployments, we will literally break the force. That is something we as a Nation can ill afford to let happen.

And now our military is about to embark on the largest troop rotation in the history of our country. I wish I could say that the replacement troops will be fresh, but the hard truth is that many of them will be returning to Iraq for consecutive tours. If we had enough people in the military, back-to-back tours in Iraq would not be necessary. It is important for everyone to understand that in the new force rotation into Iraq, National Guardsmen and Reservists will comprise about 40 percent of the force there.

We are using the National Guard and Reserve as never before, and we have to be careful not to put such strains on these citizen soldiers that they leave in droves or that recruiting suffers.

I was in Missouri recently and met with one wife of a National Guardsman now serving in Iraq. She told me when her husband returns from overseas he will be getting out of the National Guard and as many as one-third of folks in her husband's unit will be too.

This may be anecdotal evidence of what is going on in our Reserve components, but it is certainly cause for concern. The increased demands being placed upon our troops in uniform call into question the ability of our forces to meet its commitments in other

parts of the world. If conflict erupted on the Korean peninsula while these brigades are in southwest Asia, our ability to respond quickly would likely be compromised.

Recently, Lieutenant General John Riggs, a senior Army officer, stated that the Army must be substantially increased to meet its global commitments. Yet the Secretary of Defense continues to maintain that the services have enough end strength already to meet their responsibilities and that the increased demands on the troops is only a spike or temporary increase. As a result, my expectation is that the President's budget will not include any permanent end strength increase but will permit only temporary overages associated with our current deployments in Iraq and Afghanistan.

The Department of Defense believes that additional servicemembers are not needed because we proved that our troops can vastly overpower an enemy with speed agility and power in war. The problem is that we are no longer in that type of war. We are rebuilding a Nation from the ground up. That kind of undertaking takes people. And right now we simply do not have enough.

There is simply no substitute for having boots on the ground. To get the job done right I am pleased that a number of my colleagues have recognized the importance of increasing end strength. A number of them have written to the President and the Secretary of Defense calling for an increase in end strength. Others like the gentlewoman from California (Mrs. TAUSCHER) have introduced legislation to this effect.

We must, we can, and we will in this Congress pass an authorization bill authorizing for appropriation additional end strength for the United States Army as well as the other services.

FULL DISCLOSURE FOR CLAIM OF WEAPONS OF MASS DESTRUCTION BY IRAQ

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all associate myself with the very thoughtful message of the gentleman from Missouri (Mr. SKELTON) in terms of his very plain-talking message about our military.

□ 1945

The gentleman from Missouri (Mr. SKELTON) and I had the pleasure of visiting a number of them most recently in Iraq and I think a strong debate on this question will be important. Many people believe that those of us who have a difference of opinion for or against the war or for or against the approach that the war took, do not have a total agreement on the necessity of strengthening the young men and women who are in our Armed

Forces. So I look forward to debating this very thoughtful presentation and associate myself with his remarks and the legislative initiatives; and I thank the gentleman from Missouri (Mr. SKELTON) for his leadership.

Let me say that I also associate myself with the gentleman's remarks as it relates to the toughness, as it relates to the battle of our Reserve troops and others who have offered their service for a number of years and have been called to duty; and many of them are not able to determine whether they will be in for 6 months or for a year or 18 months or 2 years.

We certainly have the protection of their jobs, but in many instances we are still having disagreements or having to advocate for our reservists to their various employers, some of whom are concerned or unsteady about keeping the reservists' jobs for them and, therefore, certainly undermining the family unit and the ability of that reservist to provide income and support for his or her family.

I happen to be a supporter of the legislation that would allow reservists to retire at 55, just as we allow the active military to retire at 55. It seems unlikely that we would lengthen the time of service for reservists who are apt to be called into battle at any moment. We have lost lives of those who are reservists in Iraq. The numbers are mounting, and they are on the front line.

When I went to Iraq, there were many who were skilled in many other aspects other than combat or police work; and lo and behold, they were being used for service that they were not trained for. So I associate myself with those remarks and certainly support the gentleman from California (Mr. FILNER) for his efforts in support of our veterans, because we have long been overdue in the full support of our veterans who are willing to give their full measure. And as they are able to come back to our communities, the very fact that they are willing to give the ultimate sacrifice, we should make good on our promise, which is to continue to provide them with benefits on a continuous basis.

Let me also add my congratulations to the veterans hospital that is in my district. We just added the Fischer House. Congratulations to the Fischer family and thank them for their support and all the leaders in Texas that helped bring about this new Fischer House in one of the largest veterans hospitals in our State. And that is, of course, a facility for the families who have come for the long-term wounded to be able to stay at a place of comfort without, if you will, providing an unnecessary financial burden when they are already suffering from the ills of their loved one, whether they are wounded by way of their service in Iraq or suffering with other conditions.

So I am very grateful to our community leaders who helped bring the Fischer House about in my congress-

sional district and commit myself to continue to work with them.

Mr. Speaker, I think it is important that we bring sunlight where sunlight is needed, and today and in the weeks and months to come I am going to take my place on this floor and remind this Congress of its constitutional responsibility. And, in fact, I am going to take off and challenge anyone, first, take off any discussion of a partisan hat and challenge anyone that wishes to make this a partisan issue each step of the way, because I believe that this is so devastating and so much a challenge to the constitutional integrity of this Nation.

And, more importantly, in this Congress I believe that we must shed ourselves and step away from anyone declaring this to be partisan or anyone suggesting it is partisan, because once you begin the partisan debate, I know what happens: You immediately cease any sort of true effort for the Speaker of this House to address the responsibilities of this Congress, and that is to thoroughly investigate Dr. David Kay's report that we have heard over the last few days and that of the Carnegie Institute regarding weapons of mass destruction.

Let me just say, Mr. Speaker, that I intend to call for full congressional hearings, public hearings, not just in the Permanent Select Committee on Intelligence, the Select Committee on Homeland Security, and the Committee on the Judiciary, to ensure that we review the questions that David Kay has raised the lack of evidence and intelligence for weapons of mass destruction and the representation, as I close, Mr. Speaker, to the Congress and the American people by this administration that we must go to war on that basis.

Full congressional hearings, no independent commission, full congressional hearings.

SEARCH FOR THE TRUTH

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

Mr. HOEFFEL. Mr. Speaker, last week during the State of the Union address President Bush spoke to us about the Iraqi War and described how the Kay report, the Dr. David Kay report, indicated dozens of instances of what the President called weapons of mass destruction-related program activities.

Now, I am not sure what a weapons of mass destruction-related program activity is, but I do know what it is not. It is not a weapon of mass destruction, because we have not found weapons of mass destruction in Iraq. And, in fact, David Kay himself has said so. He has resigned his position as the United States Chief Weapons Inspector in Iraq, working for the CIA.

He has stated that in his opinion, Iraq does not have stockpiles of chem-

ical weapons of mass destruction or biological weapons of mass destruction, that Iraq does not have nuclear weapons, and any nuclear program was rudimentary in nature, according to Dr. Kay. He feels that these stockpiles do not exist now and did not exist before we went to war with Iraq in March of 2003.

Now, this is a startling conclusion from our Chief Weapons Inspector because it is so different from what the Bush administration told us in the fall of 2002 in the run-up to the congressional vote of whether or not to give congressional authority to the President to use military authority to deal with what was described as the imminent threat to peace, to regional peace and world peace and to the United States, the imminent threat of the use of Iraqi weapons of mass destruction.

Mr. Speaker, I voted to give the President that authority based upon the representations of the administration because I wanted to disarm Saddam Hussein of those weapons of mass destruction. Now, we have finally captured Saddam Hussein, and I am glad that we have; I am glad he is out of power. I believe both Iraq and America are better off now that he is in custody. But, Mr. Speaker, we have not found those weapons of mass destruction; and we now have a report from Dr. Kay that those weapons of mass destruction did not exist and they do not exist today.

Hussein had weapons of mass destruction in the 1980s. We know that because he used them in murderous ways against his own citizens, the Kurds in northern Iraq, and he used them to murder tens of thousands of Iranian citizens. But the issue is not what he had in the 1980s. The issue is whether he had such stockpiles in 2002 and 2003. We were told with complete certainty by the President, by the Vice President, I was told with 20 other Members of the House in a briefing in the White House on October 2, 2002, by Condoleezza Rice and George Tenet that there was complete certainty that Iraq possessed these weapons of mass destruction. And based upon those representations, I voted with many of my colleagues to give the President that war authority.

Now, it is now clear that there were half-truths and deceptions from the administration as well as mistakes from the Intelligence Community. And I stand here tonight to call for an independent investigation, an independent review, of both the work product of the Intelligence Community of the United States and the work of the administration policymakers that stated with such clarity that we faced an imminent threat from Iraq's weapons of mass destruction.

Clearly the American people were misled. Clearly the Congress was misled. I was misled by the Bush administration and by the United States intelligence agencies.

The President and the Vice President continue to want the American people

to believe that there was this threat and is this threat of weapons of mass destruction. The President talked about WMD-related program activities last week without clarifying what they were. The Vice President continues to insist that Iraq has weapons of mass destruction. These statements are contrary to the report of the Weapons Inspector, Dr. Kay.

I call for an independent investigation and review so that we can get to the bottom and find out the truth.

JOBS AND THE PRESIDENTIAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight while Americans are watching the New Hampshire primary in anticipation of new leadership for our Nation, they are watching and waiting for the new budget proposals from President Bush. President Bush came to our Toledo community last week, the day after he delivered the State of the Union address right here in this Chamber.

He ran into a hornet's nest. The community college where he spoke had just announced layoffs in the workforce training field the President was there to highlight. The unemployment in Toledo had just increased to 8.4 percent. Our part of the country has been hit extremely hard by the jobless recovery. We have more than 300,000 unemployed workers in the State of Ohio, and that, of course, does not even count the workers who have given up looking.

The family-owned tool and die shops that dot the landscape of the Great Lakes region are dying. I received an e-mail last week from one of these small business owners telling me about the devastation in the tool and die sector. "I have something that most of you should be concerned about in Congress. I just counted the auction brochures I have collected since February 1, 2002, until January 22, 2004. Would you believe 629 auctions?" And those are just the ones this businessman received.

He says, "Our President thinks that everything is great and our economy is bouncing back and we will all be in the bucks this year. I have received a report that estimates 50 percent of the shops in the Detroit area will fold by the end of 2004. So how do you get this message up to Washington? I guess we need to fire up the voters and clean house this fall. Have a good day, Larry."

In his State of the Union address, President Bush failed to mention extending unemployment benefits. This is a huge issue in our part of the country. People have paid for those benefits and they do not understand why the Republicans would refuse to extend unemployment benefits. They certainly do not understand why the Republicans refuse to allow even a vote on extending unemployment benefits.

In the short term, unemployment benefits are highly stimulative for our local economy. They prevent a cratering of consumer demand, and we all know that the consumer is propping up this weak U.S. economy. In the long term, a countercyclical program for public works jobs could help a lot. Investing in our communities and putting people to work so that our deficit starts to come down makes sense.

Just replacing one city's, Toledo's, wastewater treatment system, the bill for that \$400 million. Indeed, that is double the \$250 million the President said he wants to spend nationwide on new job training programs. Investment in public works can put people to work. Frankly, we have people out of work now who already have the skills needed to assume a job.

□ 2000

They just do not have the jobs.

I just visited Sunoco Refining in my district. They had advertised for 10 people in that company; 2,400 people applied. That is a staggering indicator of how many people are looking for work in just one place in America.

A news article in the Grand Rapids, Michigan, paper just north of where we live announced the closure of Electrolux, a household name in this country. They make vacuum cleaners; 2,700 workers will be terminated. Their jobs are leaving for Mexico.

What kind of strange world is it when an American legend company like Electrolux that made vacuums that are bought by our own citizens, but then those jobs move to Mexico and made there by workers who make a dollar an hour but cannot afford to buy the vacuum cleaners because they are all shipped back here to the United States, what kind of sense does that make?

We have seen this system time and again. The people in Mexico who have the jobs that the people in Ohio used to do do not make enough money to buy the very products they make. Americans lose their jobs to Mexico, and they have to shop more at discount stores such as Wal-Mart that are filled with goods made by people who had the jobs that the shoppers used to have. It is really interesting. We are outsourcing that production.

So the question is, are we going to be a Nation of workers, builders and producers, or are we going to be a Nation of discount shoppers looking for that last bargain while wondering how to survive without a decent wage and without health care coverage? That is really the choice of this year's Presidential race.

Mr. Speaker, I am surely glad this is an election year. It is time for America's voters to really ring in a hopeful and really productive new year for our country.

The article I referred to earlier I will include at this point in this RECORD.

[From the Grand Rapids Press, Jan. 17, 2004]
WHATEVER IT TAKES—CITY IS DOWN BUT NOT OUT OVER ELECTROLUX

(By John Hogan, Matt VandeBunte and Julia Bauer)

The thermometer outside Greenville's Chemical Bank registered a bone-rattling 2 degrees at daybreak Friday, although morning commuters didn't need a sign to tell them of the chill.

Three miles away, pickups with cold, anxious Electrolux workers idled in snow-covered parking lots. Even though these third-shift workers punched out at 7 a.m., they waited 30 minutes to learn whether their jobs were heading 1,400 miles south, where it was a relatively balmy 51 degrees. Electrolux worker Jerry Cannon was not one of them.

The longtime Greenville resident decided he would rather sip coffee at Mike Huckleberry's restaurant a mile away.

"It's kind of hard to make yourself go to work when you know what's coming," said Cannon, a welder trying to raise four teenagers on \$15.61 an hour. "I think Electrolux knew Oct. 21 what they were going to do. I wish they would just have told us."

Indeed, Friday's "official" 7:30 a.m. announcement by Swedish-based Electrolux that it will close Montcalm County's largest employer in 2005 was anticlimactic.

Townsperson and employees saw the handwriting on the wall—notably the corporate statement one week before that a city/state incentive package fell far short of an \$81 million annual goal, the amount Electrolux said it would save by moving.

Some Electrolux workers will return to school; others hope the improving economy brings jobs. Their message? Don't cry for Greenville.

This town of 8,000 thrived on timber well before refrigerators came along, they say, and it will thrive long after refrigerator production moves to South Carolina and Mexico.

Bold? Perhaps. Mike Huckleberry calls it a homegrown confidence that Swedish executives, NAFTA and milquetoast politician's cannot derail.

I'm confident, and my fellow businessmen are all confident Greenville will survive," said Huckleberry, who opened his downtown restaurant 12 years ago.

Once you work through feelings of betrayal, or "pure corporate greed," as some workers suggest, there's confidence. It is expressed in American flags, warm greetings and handshakes in a town founded 160 years ago when New Yorkers John and Deborah Green opened a sawmill on the Flat River.

If you have any doubts, stand under the Chemical Bank sign on the south side of M-57 west of downtown, and note the stream of taillights heading to jobs in Grand Rapids.

"We're getting people willing to drive to Grand Rapids because it's only 30 miles away and they still get the benefits of small-town living," Huckleberry said.

Greenville Mayor Lloyd Walker agrees. "Greenville is not going away," he said. "We're king of the trading center for a larger area of up to 100,000 people."

Although Electrolux rejected annual incentives of \$48 million—saying they were nearly \$33 million short—Walker is confident the same package can draw interest from other U.S. manufacturers.

"The incentive package will be in place," Walker said.

NUMBER CRUNCHING

Until a week ago, the Electrolux Task Force thought it had gathered nearly \$7 million in annual tax incentives and \$30 million in cost savings from a proposed new factory. Union leaders proposed another \$31.6 million

in concessions, or about \$13,000 for every worker.

The package from UAW Local 137 required membership approval, which was far from guaranteed.

Final tally: \$68.6 million, just \$12.4 million short. Or so they thought.

But Electrolux whacked \$20 million off the estimate for newplant savings, casting the total package into a \$32 million hole. Filling it would have cost more than \$27,000 a year per worker.

At \$15 an hour, most workers earn just over \$31,000, plus about \$12,000 in benefits.

"Overall, our analysis of the proposed new factory would save less money annually than was anticipated in the estimate," Electrolux spokesman Tony Evans said. "Also, it would cost for more to construct and operate than was anticipated."

Huckleberry, 55, a Greenville Chamber of Commerce board member, says he believes all the work that went into the incentive package still can bear fruit. Other manufacturers have already made queries about future uses for the plant covering three city blocks on the west side of North Irving Street.

There is still caution, certainly.

In addition to the 2,700 workers who lose their jobs, more than 800 others work for area companies that send refrigerator parts to Electrolux. Among the largest is Clarion Technologies, which makes vegetable crispers.

"It's not just suppliers, it's 2,700 people who aren't coming in to have coffee," retiree Donovan Harms said over a cup at Middlebrook's Bakery and Coffee Shop in downtown Greenville. "It's going to put a real bum on this town. We'll survive, but the town certainly won't be the same as it is now."

MOVING ON

Area churches are mobilizing to offer counseling for Electrolux employees, and are planning a community worship service.

"We are going to do whatever it takes to heal and move on," said the Rev. Jerry Jones, pastor at First Congregational Church of Greenville. Apathy, not Electrolux, is the biggest enemy, he said. The community must pull together "with a message of hope."

As if to convince himself things will be all right, Huckleberry embraced two customers—both Electrolux workers—as they left his restaurant mid-morning Friday. "We'll make it. You guys will be OK," he said.

Many of the workers, some 60 percent who live in Montcalm County, feel the same way.

"We all built this place; my dad started here in 1966," said 47-year-old John Baker, who today marks his 26th year with Electrolux.

He married in November and a year ago bought a home in Lakeview, about 25 miles away.

"It's going to be hard for a guy like me to find a job," Baker said. "I've thought about going back to school. Hopefully it'll work out."

"I've been getting ready for this day," said 43-year-old Gordy Heminger of Belding, who plans to go into house construction. "A lot of the guys in the plant, even the older ones, are going back to school. What else can they do?"

Huckleberry is quick to point out the plant will be making refrigerators through 2005, plenty of time for the city and its workforce to make necessary adjustments.

"We've got an airport, an industrial park and homes are being built all over," he said. "This isn't going to happen tomorrow. We've got two years to figure this out."

True enough, agrees 39-year-old Shirlene Taylor, who stopped in with a friend Friday for scrambled eggs and toast.

"The people you work with are like family, but the big corporations don't care about that," said Taylor, who recently lost her job at Attwood Corp. in Lowell, a former subsidiary of Steelcase. "We'll make it. Greenville is still a wonderful town."

[From the Grand Rapids Press, Jan. 17, 2004]

ONE BIG JOB LIES AHEAD FOR LAST TWO YEARS

(By Julia Bauer)

Electrolux workers will have plenty to do in the months until their plant closes.

Assembly of basic refrigerator models is moving out of Greenville to make way for a new Electrolux brand that will look like a built-in.

"Our South Carolina factory specializes in top-freezer refrigerators," Electrolux spokesman Tony Evans said. Both Greenville and the Anderson, S.C., plant can produce the models with the freezer on top, which can run up to 18 cubic feet.

"We've had that ability to build certain of those models in any location," he said.

Once that production moves out, Greenville employees who are all facing layoff next year will start preparing for the new line, at least for a few months. The plant is scheduled to close in 2005.

"We are about to go into manufacturing of a new product, a counter-deep refrigerator," Evans said. "The cabinet is roughly 24 inches deep, so it matches your typical countertop."

Greenville workers will cover the startup, but eventually the refrigerators will bear a "Made in Mexico" label.

Electrolux plans to spend \$150 million to open a plant in Mexico.

"Ultimately, those products would migrate to the new factory," Evans said. The company is providing no specifics on the location for the Mexico plant, although officials in the border town of Ciudad Juarez say they have hosted company representatives in recent weeks.

No new employees will be needed in South Carolina, Evans said. Most of the focus will be on the move to Mexico and production of the "mass luxury" model. Electrolux has not estimated how many employees the Mexico plant will need. The plants on the border with Texas employ Mexican factory workers who earn \$1.57 an hour plus benefits.

Electrolux cites the high labor costs at the union plant in Greenville, where wages are \$15 an hour, plus benefits. The plant has won awards for high productivity, and its division is making a profit.

But Electrolux is seeking higher revenues with lower labor expense. The last major upgrade at Greenville, a \$100 million retooling for Frigidaire's "Next Generation" line, was plagued with delays and cost overruns that added another \$40 million to the final tab. The startup required more employees and more overtime, and it resulted in missed deliveries.

At the last quarter conference in October, analysts told Electrolux chief executive Hans Straberg they were concerned with the company's ability to efficiently install another new line in Greenville, then move it to Mexico.

Electrolux, based in Stockholm, Sweden, is scheduled to report its financial results for 2003 on Feb. 12.

MEDICARE PRESCRIPTION DRUG BILL

The SPEAKER pro tempore (Mr. NEUGEBAUER). Under the Speaker's an-

nounced 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, this evening I would like to talk about the Republican Medicare prescription drug bill that was signed into law by the President last year, which I consider a huge missed opportunity on behalf of the Congress because we really needed a meaningful prescription drug bill for seniors. That is not what we received. What we received really is nothing more than an attempt to privatize Medicare and not provide a meaningful prescription drug plan for seniors.

I wanted to particularly highlight tonight the fact that on the Republican side of the aisle there now are a series of events that have occurred with regard to members of the administration, Members of this House of Representatives, who have, in my opinion, taken advantage of the situation and of their position relative to either negotiating or passing this prescription drug measure that highlight again the fact that special interests and the pharmaceutical companies and the HMOs and the insurance companies were basically out to pass a prescription drug bill that would not provide meaningful coverage; that would not lower costs; and that essentially creates a hoax on the American people that we are somehow doing something about the issue of prescription drugs for seniors.

Meanwhile, the pharmaceutical companies and, yes, even our own Members of Congress and even a member of the administration continue to benefit personally from the fact that they were involved in these negotiations and now have taken jobs or opportunities in the private sector with those same prescription drug companies with whom they worked to negotiate what was essentially a bad bill.

Before I get into some of the specifics in that regard, I just wanted to highlight again why I think this prescription drug measure was a missed opportunity and does not really do anything to help America's seniors. The bill, H.R. 1, in my opinion, simply weakens the Medicare program and falls short of meeting the prescription drug needs of seniors.

H.R. 1, as we know, provides woefully inadequate prescription drug coverage due to a giant gap in coverage in which seniors receive no assistance with costs between \$2,250 and \$5,100 annually. About half of all seniors will not have drug coverage for part of the year, even though they will continue to pay monthly premiums.

I would like to explain what I mean by that. The problem with the Republican bill, unlike with what the Democrats had proposed, is that the Republican bill basically makes you pay so much out of pocket for what you are getting back in your benefit that it is not even worth having; and since it is a voluntary program, I would venture to guess that when this bill finally goes

into effect in a couple of years, most seniors would simply not opt for it because they have to pay out more than it is worth essentially. I have a little chart here that highlights what I mean.

For example, if a senior in the course of a year were to run up a bill of about \$1,000 for their prescription drug needs, under the Republican bill, they would have to pay \$857.50 for \$1,000 worth of coverage. If their annual drug costs were \$2,000, they would be paying about \$1,107 out of pocket. If their annual drug costs were \$3,000, they would be paying \$1,920 out of pocket; and if their annual drug costs were \$5,000, they would be paying \$3,920 out of pocket. You might say to yourself who in the world would want to take advantage of a bill that forces you to pay so much out of pocket to get a very meager amount back in coverage by the Federal Government? And that is really the point.

The second thing that is so important about this Republican prescription drug measure, if you want to call it that, is that it does nothing to reduce the costs of prescription drugs. When you talk to most seniors, they will say that the biggest problem they face is the price of the actual cost of the prescription drugs. What the bill does is it prohibits Medicare from using the bargaining power of 40 million seniors to negotiate lower prices. In other words, all of the sudden, if you have a Medicare prescription drug program, you have about 40 million seniors that the Medicare administration or the Secretary of Health and Human Services can go to the drug companies and say, look, I represent 40 million seniors, I am not going to buy prescription drugs from you, pharmaceutical company, unless you reduce the price; and since I represent all these people, I can buy a lot of drugs if you give me a good price.

This is how you negotiate. We do this with the VA. We do this with the Defense Department for our United States military. But under the Republican Medicare prescription drug bill, the Federal Government, the Secretary of Health and Human Services, the Medicare administrator was specifically forbidden from doing that kind of price negotiation to reduce prices. I mean, this is an outrage, but this is the reality.

The other thing is that the Republican bill pushes seniors into private plans through either an HMO or a PPO. In other words, if they want to get the prescription drugs, they are probably going have to join an HMO in order to get any kind of benefit whatsoever, which means that they lose their choice of doctors. There are so many problems with the bill I do not want to get into all of the problems tonight because I want to kind of highlight how this relates to some of the people that were negotiating the bill and some of the people here in Congress, as well as within the Bush administration, that

are benefiting from the fact that they were in charge of negotiating this very bad bill.

I wanted to also point out that the Democrats had an alternative to the Republican plan that would have actually accomplished the goal of providing a good benefit, reducing the cost of prescription drugs. And would have been immediately available as opposed to available in 2 years under the Republican proposal.

What the Democrats proposed to do was to simply follow the lead of what we do now with part B. Most seniors know that they pay a premium of about \$40, \$50 a month under part B of Medicare. That covers their doctors' bills, and they have a \$100 deductible. They have a 20 percent co-pay, but essentially it starts with the first prescription. There is no donut hole. There is no lack of coverage, and a certain amount at a catastrophic level, the government pays all the costs. Also, under the Democratic proposal we have specifically instructed the Medicare administrator and the Secretary of Health and Human Services to negotiate price reductions to reduce the costs of the prescription drugs. Very simple. You keep your doctor. You do not have to go through the HMO. Everybody's eligible for this prescription drug plan, and you pay a premium of about \$25 a month.

This is not what we got. This is not what the President signed into law. The bill that the President signed into law essentially, the Republican bill, says you are not going to get the coverage unless you go private, join an HMO or something like it. The coverage is very limited. You have to pay a tremendous amount out of pocket, the way I described; and there is actually a prohibition on the reduction or the negotiating of prices to try to bring the prices down.

You might say to yourself, why did this happen? Why is it that the Republican proposal and the one that was signed into law is so bad, and why did it not just follow what we had done traditionally with Medicare with part B, for example, with your doctor bills, the way the Democrats had proposed? The answer, in my opinion, is very simple, and that is because this bill was written by the pharmaceutical companies and by the insurance companies. The insurance companies wanted to make sure that you had to go private with an HMO or something like it in order to get the benefit, and the pharmaceutical companies wanted to make sure that there were no cost controls whatsoever in this benefit so that they would not lose money essentially from having to lower the cost of their prescription drugs.

This is what I would like to get into tonight, and I do not like to cast aspersions, but I do not think we have any choice. The irony of it is two of the key people or at least two of the key people that were involved in negotiating and working on this legislation have now

or are about to either join the pharmaceutical companies and leave, in one case, Congress; or in the other case, the Medicare administrator has already left the Bush administration to join a law firm that represents the drug companies; and I just want to talk about that a little bit tonight.

This is an article from today's Washington Post that says that the chairman of the Committee on Energy and Commerce on the House side, which is my committee that I serve on, the committee that had jurisdiction over the Medicare legislation, the gentleman from Louisiana (Mr. TAUZIN), I am reading from The Washington Post today, "is close to a decision to leave Congress to head the pharmaceutical industry's trade association after turning down an offer from Hollywood to succeed Jack Valenti as the movie industry's top lobbyist, sources in Washington and California said yesterday."

Tauzin telephoned Valenti and declined the offer from the Motion Picture Association, but The Washington Post goes on to say that he "is now considering an offer from the Pharmaceutical Research and Manufacturers of America, PhRMA, the trade group that represents trade giants such as Pfizer and Merck and Company."

He chairs the House Committee on Energy and Commerce. "He was one of the principal authors of the Medicare prescription drug bill that included several provisions expected to vastly expand the market for prescription drugs . . . in addition to adding hundreds of billions of dollars for drug benefits, the law bars the Federal Government from directly bargaining down the price of drugs, a provision PhRMA pressed for."

So the bottom line is PhRMA, representing the pharmaceutical companies, comes in here, negotiates with the committee to ban any kind of cost controls, any kind of negotiated prices. Now that the Republican chairman of the committee, a nice gentleman but nonetheless the Republican chairman of the committee, is likely, according to this, to take a job at PhRMA, the pharmaceutical trade company's top representative, the head of it.

At some point, you have to say to yourself, Mr. Speaker, where does it end? Where does the special interests, in this case of the drug companies, I could probably use the same example with the HMOs and the insurance companies, where does their ability to influence legislation in what I consider a bad way because it in this case means there was no effort to negotiate prices and lower prices for seniors, where does their ability to influence what goes on here and when we have this revolving door, where they come in here and get the committee and the Congress to ban any kind of negotiated prices, and then the person who is the chairman of the committee decides maybe that he will go on to represent this trade group?

I want to use another example because I mentioned the Medicare administrator. The person who was the Medicare administrator within the Department of Health and Human Services at the time when this prescription drug bill was being debated and negotiated here in Congress, again under the Bush administration, a Republican by the name of Tom Scully, last month took a job with a law firm in an investment company that represents these pharmaceutical companies. So here we have again the top person in the Bush administration who is negotiating this bill, a bad bill, one that is not helping the senior citizens, after the bill is passed, leaves the Bush administration, the Medicare administrator position, and goes to work for a law firm that essentially represents these same pharmaceutical companies.

□ 2015

Now, it was interesting because there was an article, again in *The Washington Post*, about a week ago, January 14, that says, "Now the White House has ordered Federal agencies to stop issuing ethics waivers that allow key officials to negotiate jobs while they are shaping policies important to potential private employers." So this was a memo that was issued by the White House Chief of Staff about a week ago saying that "Effective immediately only the White House can approve such waivers."

The problem here is that Federal law bars Presidential appointees, such as Tom Scully, who is the Medicare Administrator, from discussing possible employment with firms involved in or hoping to be involved in matters handled by those officials. So Scully was negotiating the Medicare prescription drug bill in a way that helped the pharmaceutical companies and did a disservice to the senior citizens of this country by not allowing any kind of negotiated price reductions.

There actually is Federal law that says that he cannot, while he holds that Medicare Administrator position, he cannot look for another job with a company or a law firm that is involved in those negotiations. But he can get a waiver, which was granted by the Secretary of Health and Human Services, a waiver to seek that job and talk to those companies to get a job at the same time that he is negotiating this Medicare prescription bill.

The waiver was granted. And now they are saying, well, maybe it should not have been granted by the Secretary of Health and Human Services. In the future, we will only let the White House, I guess the President himself, grant those kind of waivers.

Well, these waivers should not be allowed at all. It is outrageous, in my opinion, that the Medicare Administrator, who is negotiating and trying to come up with a prescription drug bill, is allowed to go out and seek a job at the same time with those same law firms or companies that he is now ne-

gotiating to put in a provision that would ban the ability to negotiate price reductions.

He had a waiver so that he was allowed to do it. That was given by the same administration, the Bush administration, ultimately the White House as well, so that he could go about trying to look for a job with those same law firms or companies that were trying to get him to bargain for some provisions in the bill that were to their liking.

I mean, where are we going with this whole issue of special interests and the ability of special interests to influence not only the White House and the Medicare Administrator who is working under the President, but also the Republican chairman of the committee that also has jurisdiction over this Medicare prescription drug bill? I do not know where it ends.

I just want to give one more example, which I know has already been mentioned by others, but many of us remember the night here on the floor of the House of Representatives when we were voting on this Medicare prescription drug bill; and when the vote first took place and the 15 or 17 minutes were up, when we are supposed to vote and put our cards in the machines and post our names and how we voted up on the wall here, the bill had actually lost. There was a majority against the bill. An absolute majority was against the bill, so that the bill should have been defeated.

But what the Republican leadership in the House here did, the Speaker, the majority leader, they spent the next 3 or 4 hours, I do not know how long it was, but it was at least 3 hours, twisting arms and trying to use whatever means they could to convince Republican Members to change their votes. And they actually were able to get enough to change their votes so that they switched the majority from defeating the bill to passing the bill several hours after the machines were supposed to close.

I mean, there are all kinds of examples of the kinds of arm-twisting that was taking place and the kind of special interests that were being used. The Secretary of Health and Human Services was here on the floor twisting arms. I saw him personally. But I want to give the most egregious example, which has been mentioned before. In fact, in an effort to show how much the Republican leadership is willing to go to do the bidding of the special interests, in this case the pharmaceutical industry and the insurers, this is an editorial from *The Washington Post* on December 30, during our congressional recess. And I am not going to read the whole thing, but I want to read part of it, because I think it is part of this whole thing, and what I need to do to expose what is going on around here.

It says, "Mr. Smith Leaves Washington," talking about the gentleman from Michigan (Mr. SMITH), a Republican. It says, "Something ugly hap-

pened to Representative NICK SMITH on the long night of the House Medicare vote last month that seems beyond dispute. With his party lacking the votes to muscle the prescription drug bill through, Mr. SMITH was subjected to intense and quite possibly criminal pressure to induce him to abandon his opposition to the Medicare bill. As Mr. SMITH related it the next day, Members and groups offered financial and political support for his son Brad, who is running for his father's seat, if only he would vote for the bill. The first offer was to give him \$100,000-plus for his campaign and endorsements by national GOP leadership, Mr. SMITH elaborated a few days later. When he refused, he said he was threatened that, "Well, if you do not change your vote, then some of us are going to work to make sure your son does not get into Congress."

Again, it goes on to talk about how the House Speaker was among those importuning the gentleman from Michigan (Mr. SMITH) in the final hours of the Medicare vote. And, of course, *The Washington Post* goes on to say that "The Justice Department should fully investigate the matter. If Justice declines to proceed, the ethics committee must step up to the plate."

To my knowledge, neither of those things has happened. But, again, I just want to highlight this because that prescription drug bill was so important to seniors and it was such a missed opportunity to do something that would have actually been helpful to seniors as opposed to doing something that only helps the insurance companies or the pharmaceutical companies. And you just get a little flavor of what goes on here and what contributed to the fact that this bad bill passed: arm-twisting to get Members to change their votes with threats of giving money or withholding donations from candidates, and members of the administration in charge of the Medicare program being offered jobs to work for the very companies that were pharmaceutical companies and their representatives that were benefiting from the legislation; and now the possibility, and we will find out, I guess, in a few days, of the Republican chairman of the committee that had jurisdiction actually going to become the chief representative of PhRMA, the trade group for these very same pharmaceutical interests. It is a very sad day, and the consequences to America's seniors are very bad.

Just in case anybody has any doubt about why this bill is not good and what it means to the industry and what goes on around here, I just wanted to make reference to an editorial that was in *The New York Times* this Sunday. It says, "Patches For the Drug Program." And I am not going to read it all, Mr. Speaker, but I want to read some relevant parts because I think it sums up the problem that we face.

The *New York Times* says in the Sunday editorial, "In the weeks since the Medicare prescription drug bill was

signed into law, the changes that need to be made in this vital legislation have become increasingly apparent. It is not likely that Congress will act in a political year, but Democrats who criticize the bill should lay markers down now on what has to change, and those amendments should be brought up as soon as possible, either before or after the election."

They go on to say in *The New York Times* that "Anyone who followed the rancorous congressional debate knows that the new program has a huge coverage gap, known as the doughnut hole, that exposes many beneficiaries to \$3,600 in out-of-pocket costs before catastrophic coverage kicks in. That makes no sense from an insurance perspective, but was intended to keep the program's costs from getting out of control. Less well-known," and I have not even mentioned this, Mr. Speaker, "is the likelihood that the drug coverage will actually become worse with each passing year. The premiums, deductibles and out-of-pocket expenditures will all increase rapidly, tied to increases in per capita drug expenditures under Medicare. By 2013," about another 10 years, "for example, the out-of-pocket spending required before a person qualifies for catastrophic coverage will probably be \$6,400 a year, well above the \$3,600 required in the first year. That could be devastating for those struggling to survive on Social Security benefits."

It is so sad. I mean, what *The New York Times* is saying is what I talked about earlier in terms of out-of-pocket expenditures; that they are only going to get worse as time goes on. I do not think most people will even sign up for this when it goes into effect in 2 years because their out-of-pocket costs are so bad compared to what they would actually benefit. But what *The New York Times* is saying is that that differential is going to get even worse as time goes on.

The *New York Times* editorial from Sunday goes on to talk about the drug pricing that I mentioned before. They say, "Drug prices must also be controlled. Unfortunately, the most glaring fault in the bill is its failure to employ the strongest weapon for reining in drug costs. As the political price for passing the bill, congressional Republicans inserted language prohibiting the Medicare program from using its substantial market power to negotiate low prices from the drug companies. Instead, the program will rely on private insurance plans or pharmacy benefit managers to negotiate. That was a mistake. The ban on government intervention reflects the Republicans aversion to government price controls, but it is also testimony to the lobbying clout of the drug industry, a major patron of the Republican Party. Democratic leaders have introduced bills to allow Medicare to negotiate directly, but that will be a tough sell in a Republican Congress that opposes any changes before the law has had a

chance to work. The AARP has now suggested that Congress should allow the government to negotiate drug prices if private efforts fail to produce big discounts."

Well, I do not have to go on. The *New York Times* is just confirming what I have said all along. This was nothing but a bone thrown to the pharmaceutical industry that did not want any kind of effort to negotiate lower prices; and now we see that the representatives, be they Members of the House, Republican Members, or members of the administration who were directly involved in these negotiations to make sure that there was this ban on any effort to lower prices, are now joining those same drug companies or the law firms that represent them.

The special interests just reign supreme here in the Republican-controlled Congress and in the White House. And worst of all, and this is the last thing I will mention on this subject, Mr. Speaker, I could not believe that on Saturday there was an article in *The New York Times* about how the Department of Health and Human Services is now stepping up efforts against drug imports. Those of us who were here back in November when we had this debate know full well that there was an effort that was successful on the part of mostly Democrats but also some Republicans to put into the Republican Medicare prescription drug bill a provision that would have allowed reimportation of drugs from Canada, if not from other countries, where the FDA has certified the production and the factory where the drugs are being produced. We actually were successful in getting language in the bill, believe it or not. I do not know how we did it, but we managed on a bipartisan basis to get language in the bill that would allow and legalize reimportation from Canada as a way of trying to reduce the prices of drugs.

We know that in Canada, unlike in the United States, they negotiate price reductions on behalf of not only seniors but all their citizens, so the prices for the prescription drugs are significantly lower. But what this Bush administration does is, after the law passes, they say that they will refuse to certify that drugs being reimported from Canada are safe and, therefore, because they will not certify that those drugs are safe, they now say that it is still illegal to reimport the drugs from Canada. What the Bush administration is now doing, what the FDA is now doing, is basically trying to prevent the reimportation of the drugs.

This is what was in *The New York Times* on Saturday, January 24. And, again, I just want to read some sections from it because it is unbelievable to me how far they will go to protect the pharmaceutical industry at the expense of the average senior in the United States who is trying to find some way, albeit even having to reimport the drugs from Canada, to try to reduce their drug prices, because

they simply cannot afford to pay these steep prices for these prescription drugs.

This article says that "A second 'blitz' inspection by Federal drug and Customs officials of medicines imported from Canada has found that nearly all of almost 2,000 packages opened contained foreign versions of American pharmaceuticals that officials said might not be safe." And I use that, "might not be safe." They are not saying they are not safe, they are saying they might not be safe. Well, what is the basis for their saying they might not be safe? Nothing. There is absolutely nothing in the article and nothing that they did to show that in fact these reimported drugs were not safe.

In fact, in *The New York Times* article, it says, "Asked if the pills reviewed in the latest survey that they were inspecting were unsafe, Dr. McClellan," who is the FDA Commissioner and a Bush appointee, answered, "We just don't know because it's so hard to tell." Well, what kind of answer is that, Mr. Speaker?

□ 2030

Americans are trying to get drugs reimported from Canada, and there is every reason to believe they are safe, there is no reason to believe they are not; and they are seizing all these drugs. And when the commissioner is asked if they are safe, he said we do not know because it is so hard to tell. There is nothing in this article that indicates that they have found anything that indicates that these drugs are not safe. I think they are harassing those who are trying to do the reimportation.

Mr. Speaker, Governors and mayors around the country, because they are so concerned about the cost of prescription drugs for their own citizens, for their seniors, are trying to come up with ways of providing a government program, either in the case of the mayors for their cities or Governors for their States, to reimport these drugs from Canada at a low cost. I do not have to give all of the examples here, but I think one of the States that has taken a lead on this is Illinois, which has talked about a major program to try to accomplish this goal.

But what the Bush administration says, and this is again from the *New York Times*, the Bush administration is hoping to use a combination of aggressive inspections and pointed political advice to persuade local and State officials to back away from the border drug trade. This is Dr. McClellan that is being paraphrased. And the State officials who are trying to set up these programs are turning their heads because they do not know what to do. They think it is ridiculous what the FDA is trying to do. This is not even a partisan issue. Some of the Governors trying to set up the programs and that are objecting to what the Bush administration is doing on the Canadian reimportation issue are Republicans.

There is one quote here from Governor Tom Pawlenty, a Republican from Minnesota; and he says that the FDA will sue somebody or throw somebody in jail over this, the pharmaceutical companies choke off supply, or the FDA comes to their senses. He is very concerned about what the administration is trying to do to stop the supply of drugs going into Minnesota, which he believes are safe.

It goes on and on and talks about all of the things that the FDA is trying to do to cut the supply; that the drug companies are sending fewer drugs to Canada and are trying to choke off the supply. Everything is being done to try to help the pharmaceutical companies not have to provide lower-cost drugs. The actions of my fellow Congressman and the Bush administration officials in this regard are just outrageous. I think it is imperative to keep speaking out against what is going on, against those Republican officials within the administration and in our case the chairman of our committee who are now taking jobs with these companies after they negotiated this legislation, this bad bill. Somehow the public has to be made aware, Mr. Speaker, of all these activities. I know that I am going to be back again on another night talking about this and have some of my colleagues on the Democratic side of the aisle join with me.

Before I close, I just wanted to move to another topic which is totally unrelated to this, but it is timely. I would like to take 5 minutes to switch to this topic that relates to foreign policy, not only to U.S. foreign policy, but also to activities at the U.N.

Tomorrow, President Bush is meeting with the Prime Minister of Turkey, and I know there are a number of things that they are going to discuss; but I would like to discuss this evening what I would like our President to do, which is to basically have President Bush exert pressure on the Turkish Government to convince the Turkish Cypriot leader, Rauf Denktash, to return to the negotiating table on Cyprus and truly work for a peace settlement over the Cyprus issue.

I was in Cyprus this summer. Some may know that Cyprus is about to join the European Union as of May 1 of this year; but Cyprus is still a divided island. The Turkish Government invaded Cyprus in 1974. They occupy about a third of the northern part of the island; and every effort that has been made over the last few years, and it really came to the point where we thought there was really a possibility last spring that there would be an agreement between the Turkish Cypriot government and the Government of the Republic of Cyprus to unify the island and have the Turkish troops leave before Cyprus joined the European Union. So far that has not happened, but I still think there is an opportunity for that to happen.

I would like to see if President Bush can put some pressure on the Turkish

Prime Minister tomorrow to have him essentially exert some influence over the Turkish Cypriot government in the northern occupied part of Cyprus to come to agreement and unify the island under one government before Cyprus' accession to the European Union.

This weekend, before his trip to the United States, the Turkish Prime Minister said he would allow the United Nations to "fill in the blanks" of a settlement to the Cyprus issue. The Prime Minister also urged U.N. Secretary Kofi Annan to appoint a new Cyprus negotiator and said he would urge the Turkish Cypriot leader to go along with settlement proposals. While these words are encouraging from the Prime Minister, one has to remember they were made right before his trip to the United States. In the past, Turkish leaders have made statements showing the importance of a peace settlement; but, unfortunately, these words have not translated into action.

In fact, just days before Prime Minister Erdogan made this pledge, Denktash continued his intransigence, stating that the whole world is trying to take Cyprus away from the Turks. Denktash even joked in reference to the Turkish Government when he said, "Come, give Cyprus away to the Greek Cypriots and get over with it."

Mr. Speaker, Denktash is not just going to listen to Turkish leaders. But Denktash's comments show an uneasiness with the perception that Turkey is finally willing to agree to a settlement with the framework created by the U.N. Now would be the perfect time for Turkey to exert pressure on Denktash and his government, and this is something that President Bush should strongly urge during his meeting tomorrow.

At a time when Turkey is interested in joining the European Union, its lack of cooperation in the efforts to solve the Cyprus problem can only result in a setback for Turkey's candidacy. On May 1, Cyprus will join the European Union. Last week, the European Enlargement Commissioner, Genter Verheugen, warned that the status quo would damage everyone, whereas a solution would be a clear win/win situation for Greece, Cyprus, Turkey, and Europe as a whole. In an article in the Financial Times, it was pointed out by the European Enlargement Commissioner that "the absence of a solution when we reach May 1 would deepen the island's division." He stressed that a settlement of the Cyprus problem does not constitute an additional criterion for Turkey's bid to join the European Union, but also questioned whether it would be likely that all 25 member states, including the Republic of Cyprus, will decide unanimously at the end of this year to start accession negotiations with Turkey as long as the island remains divided.

Again, I would stress being particularly for Turkey, which wants to join and hopes by the end of this year that there will be some movement towards

its own accession to the European Union. There is really very little time for Turkey to play a role to settle the Cyprus issue. I would hope with a little pressure from President Bush tomorrow, the Turkish Prime Minister will return to Ankara and stress to Denktash like never before the importance that the Turkish Cypriot leadership put aside unreasonable and unacceptable demands and finally negotiate in good faith with the leadership of the Republic of Cyprus.

Ultimately, the victims of these shortsighted policies from Ankara and the Turkish Cypriot leadership are the people of Turkey and the Turkish Cypriot community, who will continue to be deprived of an opportunity to share in the economic, social, and other benefits of European Union membership.

Again I would say that the statements made by the Turkish Prime Minister over the weekend and the Turkish military seem to indicate that they want the Turkish Cypriot government to move ahead with the settlement that could be accomplished possibly by May 1. But we have heard this before. I think the best course is if our President Bush can really make it clear to the Turkish Prime Minister tomorrow how important this is and how timely it is that some action be taken to achieve a unified Cyprus by May 1. I know that President Bush is interested in accomplishing this, and I hope that he does put sufficient pressure on the Prime Minister of Turkey so we can see some progress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. FROST (at the request of Ms. PELOSI) for today on account of family matters.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today on account of weather-related travel problems.

Mr. HONDA (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Mr. MILLER of North Carolina (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today on account of weather-related travel problems.

Ms. WATERS (at the request of Ms. PELOSI) for today and the balance of the week on account of weather-related travel problems.

Mrs. BONO (at the request of Mr. DELAY) for today and the balance of the week on account of personal family matters.

Mrs. MILLER of Michigan (at the request of Mr. DELAY) for today and the balance of the week on account of official business.

Mr. ROYCE (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

Mr. WAMP (at the request of Mr. DELAY) for today on account of his flight being canceled due to inclement weather on the east coast.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. HOFFEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, January 28.

Mr. BURTON of Indiana, for 5 minutes, today and January 28.

Mr. LEWIS of Kentucky, for 5 minutes, January 28.

Mr. SHUSTER, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, January 28.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 28, 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:

6366. A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's

final rule—Export Sales Reporting Requirements—received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6367. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule—Fire and Rescue and Other Community Facilities Projects (RIN: 0575-AC53) received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6368. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Artificially Dwarfed Plants in Growing Media from the People's Republic of China [Docket No. 98-103-5] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6369. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Eucalyptus Logs, Lumber, and Wood Chips From South America [Docket No. 02-097-2] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6370. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Rules, Policies, and Procedures for Corporate Activities; Bank Activities and Operations; Real Estate Lending and Appraisals [Docket No. 03-24] (RIN: 1557-AB97) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6371. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Electronic Filings [Docket No. 04-01] (RIN: 1557-AC13) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6372. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Guidance Regarding Management's Discussion and Analysis of Financial Condition and Results of Operations [Release Nos. 33-8350; 34-48960; FR-72] received December 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6373. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Processing Requirements for Cancelled Security Certificates [Release No. 34-48931; File No. S7-18-00] (RIN: 3235-AH94) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6374. A letter from the Assistant General Counsel, Regulatory Services Division, Department of Education, transmitting the Department's final rule—Title I—Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA95) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6375. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970-AC16) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6376. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying

Benefits—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6377. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Disclosure to Participants; Benefits Payable in Terminated Single-employer Plans—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6378. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6379. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (RIN: 1991-AB56) received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6380. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium [Docket No. 2002F-0220] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6381. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Scientific Peer Review of Research Grant Applications and Research and Development Contract Projects (RIN: 0925-AA) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6382. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (RIN: 3150-AH25) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6383. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—December 2002 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5, 6, and 7 of the Commerce Control List, and Reporting Requirements [Docket No. 031017263-3263-01] (RIN: 0694-AC85) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6384. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Chemical Weapons Convention Regulations: Electronic Submission of Declarations and Reports through the Web-Data Entry System for Industry (Web-DESI) [Docket No. 0312113311-3311-01] (RIN: 0694-AC97) received January 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6385. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2001-18; Introduction—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6386. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly

Migratory Species; Bluefin Tuna Season and Size Limit Adjustments [Docket No. 031028268-3321-02; I.D. 091603F] (RIN: 0648-AR12) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6387. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Debt Collection Improvement Act — Treasury Offset and Cross Servicing (RIN: 0570-AA52) received January 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6388. A letter from the Under Secretary and Director, USPTO, Department of Commerce, transmitting the Department's final rule — Changes to Implement the 2002 Inter Partes Reexamination and other Technical Amendments to the Patent Statute [Docket No.: 2003-P-001] (RIN: 0651-AB57) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6389. A letter from the Director, Torts Branch, Civil Division, Department of Justice, transmitting the Department's final rule — Certification and Decertification in Connection With Certain Suits Based Upon Acts or Omissions of Federal Employees and Other Persons [CIV 102F; AG Order No. 2697-2003] (RIN: 1105-AA62) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6390. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Use of Locomotive Horns at Highway-Rail Grade Crossings [Docket No. FRA-1999-6439, Notice No. 8] (RIN: 2130-AA71) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6391. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30399; Amdt. No. 3085] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6392. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30398; Amdt. No. 3084] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6393. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waverly, IA [Docket No. FAA-2003-16502; Airspace Docket No. 03-ACE-86] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6394. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oskaloosa, IA [Docket No. FAA-2003-16500; Airspace Docket No. 03-ACE-84] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6395. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Osceola, IA [Docket No. FAA-2003-16499; Airspace Docket No. 03-ACE-83] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6396. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Modification of Class E Airspace; Tipton, IA [Docket No. FAA-2003-16501; Airspace Docket No. 03-ACE-85] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6397. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mount Pleasant, IA [Docket No. FAA-2003-16498; Airspace Docket No. 03-ACE-82] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6398. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E4 Airspace; and Modification of Class E5 Airspace; Goodland, KS [Docket No. 2003-16079; Airspace Docket No. 03-ACE-71] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6399. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Buckhannon, WV [Docket No. FAA-2003-15229; Airspace Docket No. 03-ACE-05] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6400. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes [Docket No. 2003-CE-28-AD; Amendment 39-13382; AD 2003-24-13] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6401. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. 2001-NM-207-AD; Amendment 39-13379; AD 2003-24-10] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6402. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 Airplanes [Docket No. 2003-NM-68-AD; Amendment 39-13380; AD 2003-24-11] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6403. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2000-NM-150-AD; Amendment 39-13383; AD 2003-24-14] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6404. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-70-AD; Amendment 39-13378; AD 2003-24-09] (RIN: 1220-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

6405. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sidney, NE. [Docket No. FAA-2003-16409; Airspace Docket No. 03-ACE-78] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6406. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Plattsmouth, NE. [Docket No. FAA-2003-16408; Airspace Docket No. 03-ACE-76] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6407. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Topeka, Philip Billard Municipal Airport, KS. [Docket No. FAA-2003-16407; Airspace Docket No. 03-ACE-75] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6408. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Johnson, KS. [Docket No. FAA-2003-16411; Airspace Docket No. 03-ACE-77] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6409. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Hilton Head Island, SC [Docket No. FAA-2003-16359; Airspace Docket No. 03-ASO-18] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6410. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Erie, PA [Docket No. FAA-2003-16119; Airspace Docket No. 03-AEA-13] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6411. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Jamestown, NY [Docket No. FAA-2003-16120; Airspace Docket No. 03-AEA-12] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6412. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Honesdale, PA [Docket No. FAA-2003-16220; Airspace Docket No. 03-AEA-15] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6413. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Canby, MN [Docket No. FAA-2003-15877; Airspace Docket No. 03-AGL-15] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6414. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wilmington Clinton Field, OH [Docket No. FAA-

2003-15834; Airspace Docket No. 03-AGL-13] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6415. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chicago, IL [Docket No. FAA-2003-15465; Airspace Docket No. 03-AGL-11] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6416. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30400; Amdt. No. 3086] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6417. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Service Difficulty Reports [Docket No. FAA-2000-7952] (RIN: 2120-A113) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6418. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Reasonable Charges for Medical Care or Services; 2003 Methodology Changes (RIN: 2900-AL06) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6419. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing New Treasury Direct System — received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6420. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments Concerning the Application of Section 162 and 263 to Tangible Property [Notice 2004-6] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6421. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 165 Worthless Stock Deduction of a Subsidiary (Rev. Rul. 2003-125) received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6422. A letter from the Chief, Publications and Regulations Branch (Legal Processing Division), Internal Revenue Service, transmitting the Service's final rule — Arbitrage restrictions applicable to tax-exempt bonds issued by state and local governments [TD 9097] (RIN: 1545-AX22) received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6423. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Filing of Applications and Related Forms (Regulations No. 4 and 22) (RIN: 0960-AF52) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6424. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare Programs; Rural Health Clinics: Amendments to Participation Requirements and Payment Provisions; and Establishment of a Quality Assessment and Performance Improvement Program

[CMS-1910-F] (RIN: 0938-AJ17) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6425. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Hospital Outpatient Prospective Payment System Payment Reform for Calendar Year 2004 [CMS-1371-IFC] (RIN: 0938-AM96) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6426. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Prescription Drug Discount Card (RIN: 0938-AM71) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 502. Resolution providing for consideration of the bill (S. 610) to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes (Rept. 108-406). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 503. Resolution providing for consideration of the bill (S. 1920) to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted (Rept. 108-407). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3729. A bill to amend title 46, United States Code, to provide a monthly monetary benefit to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3730. A bill to amend title 10, United States Code, to provide for immediate implementation of full concurrent receipt for retired members of the Armed Forces who have a service-connected disability of both military retired pay paid by reason of their years of military service and disability compensation from the Department of Veterans Affairs paid by reason of their disability; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. MOORE, Mr. MORAN of Kansas, and Mr. POMEROY):

H.R. 3731. A bill to require the Secretary of Defense to reimburse members of the Armed Forces who participated in the Department of Defense Rest and Recuperation Leave program for travel expenses incurred by or on behalf of such members before the program was expanded to include domestic travel; to the Committee on Armed Services.

By Mr. REHBERG (for himself and Mr. PETERSON of Minnesota):

H.R. 3732. A bill to amend the Agricultural Marketing Act of 1946 to repeal the recently enacted two-year delay in the implementation of the country of origin labeling requirements of such Act for certain agricultural commodities; to the Committee on Agriculture.

By Mr. RYAN of Kansas (for himself, Mr. MORAN of Kansas, Mr. MOORE, and Mr. TIAHRT):

H.R. 3733. A bill to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the "Myron V. George Post Office"; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, Mr. PEARCE, Mr. SULLIVAN, Mr. BRADY of Texas, Ms. HART, Mr. TIBERI, Mr. ISSA, Mrs. CAPITO, Mr. HERGER, Mr. DOOLITTLE, Mr. WICKER, Mr. FATTAH, Mr. NUNES, Mr. EHLERS, Mr. NEY, Mr. HEFLEY, Mr. UPTON, Mr. HOEKSTRA, Mr. FRANKS of Arizona, Mr. SHAYS, Mr. LEWIS of California, Mr. TOM DAVIS of Virginia, Ms. PRYCE of Ohio, Mr. SAM JOHNSON of Texas, Mr. SHAW, Mrs. BIGGERT, Mr. HAYES, Mr. BLUNT, Mr. TAUZIN, Mr. CUNNINGHAM, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, Mr. MANZULLO, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. REHBERG, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. PLATTS, Mr. AKIN, Mr. BONILLA, Mr. RYAN of Wisconsin, Mr. THORNBERRY, Mr. HASTINGS of Washington, Mr. NEUGEBAUER, Mrs. MUSGRAVE, Mr. SHIMKUS, Mr. BURR, Mr. WALDEN of Oregon, Mr. KLINE, Ms. HARRIS, Mr. CARTER, Ms. ROS-LEHTINEN, Mr. BUYER, Mr. GOSS, Mr. KIRK, Mr. COLLINS, Mr. KINGSTON, Mr. WHITFIELD, Mr. SPRATT, Mr. SKELTON, Mr. FRANK of Massachusetts, Ms. HARMAN, Ms. LOFGREN, Mr. REGULA, Mr. GRAVES, Mr. THOMAS, Mr. MCKEON, Mr. RENZI, and Mr. HAYWORTH):

H.R. 3734. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H. Con. Res. 350. Concurrent resolution supporting the goals and ideals of National Transparency Day, which promotes the financial transparency of charitable organizations; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 3735) for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahim Diallo, Abdoul Diallo, Mamadou Bobo Diallo, Mamadou Pathe Diallo, Fatoumata Traore Diallo, Sankarela Diallo, and Marliatou Bah; 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. 12: Mr. VITTER.
 H.R. 63: Mr. GIBBONS.
 H.R. 120: Mr. VITTER.
 H.R. 198: Mr. VITTER.
 H.R. 282: Mr. VITTER.
 H.R. 380: Mr. LEWIS of California.
 H.R. 584: Mr. VITTER.
 H.R. 716: Mrs. NAPOLITANO.
 H.R. 738: Mr. MCGOVERN.
 H.R. 742: Mr. SCHROCK and Mr. VAN HOLLEN.
 H.R. 785: Ms. MAJETTE, Mr. LAMPSON, Mr. RYAN of Ohio, and Mr. ANDREWS.
 H.R. 847: Mrs. MCCARTHY of New York.
 H.R. 857: Mr. NEY.
 H.R. 931: Mr. CULBERSON.
 H.R. 1083: Mr. OLVER, Ms. SCHAKOWSKY, and Mr. WEINER.
 H.R. 1157: Mr. ROTHMAN.
 H.R. 1160: Mrs. WILSON of New Mexico.
 H.R. 1321: Mr. LARSEN of Washington.
 H.R. 1385: Mr. CARDOZA, Mr. GONZALEZ, Mr. MCCOTTER, Mr. PORTER, and Mr. VITTER.
 H.R. 1430: Ms. LEE, Mrs. TAUSCHER, Mr. EVANS, Mr. EMANUEL, and Mr. WU.
 H.R. 1434: Ms. LEE, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, and Ms. WATERS.
 H.R. 1634: Mr. LARSEN of Washington.
 H.R. 1653: Mr. SCHROCK and Mr. SANDERS.
 H.R. 1730: Mr. MORAN of Virginia.
 H.R. 1731: Ms. WATSON and Mrs. MCCARTHY of New York.
 H.R. 1919: Mr. MEEKS of New York, Mr. FRANK of Massachusetts, and Mr. UDALL of New Mexico.
 H.R. 1924: Ms. WATERS.
 H.R. 1930: Mr. CUMMINGS and Mr. PAYNE.
 H.R. 1998: Ms. LOFGREN, Mr. PRICE of North Carolina, Mr. JOHN, Mr. LAMPSON, Mr. WEINER, Ms. KAPTUR, and Mr. TURNER of Ohio.
 H.R. 2020: Mr. STENHOLM.
 H.R. 2023: Mr. WALSH.
 H.R. 2096: Mr. BASS, Mr. LARSEN of Washington, and Mr. VITTER.
 H.R. 2194: Mr. KIND.
 H.R. 2233: Ms. LORETTA SANCHEZ of California.
 H.R. 2239: Mr. DELAHUNT.
 H.R. 2246: Ms. LOFGREN, Mr. ETHERIDGE, Mr. RAHALL, and Mrs. MCCARTHY of New York.
 H.R. 2247: Mr. FARR and Mrs. MCCARTHY of New York.
 H.R. 2256: Ms. SCHAKOWSKY.
 H.R. 2260: Mr. MANZULLO, Mr. CUNNINGHAM, Mr. LAHOOD, and Mr. MILLER of North Carolina.
 H.R. 2394: Mr. COSTELLO, Mr. PALLONE, Ms. ESHOO, Mr. ANDREWS, Mr. KUCINICH, and Mr. DEUTSCH.
 H.R. 2404: Mr. MORAN of Virginia.
 H.R. 2527: Ms. JACKSON-LEE of Texas.
 H.R. 2568: Mr. McNULTY.
 H.R. 2585: Mr. GEORGE MILLER of California.
 H.R. 2625: Mr. MEEKS of New York.
 H.R. 2711: Mr. CARDIN.
 H.R. 2719: Mr. GIBBONS and Mr. MILLER of Florida.
 H.R. 2787: Mrs. KELLY.
 H.R. 2808: Mr. DEFazio.
 H.R. 2821: Mr. REYNOLDS, Mr. KILDEE, Mr. FROST, and Mr. MORAN of Virginia.
 H.R. 2823: Mr. KENNEDY of Minnesota and Mr. PORTER.
 H.R. 2839: Mr. ALLEN.
 H.R. 2844: Mr. BERMAN.
 H.R. 2906: Mr. CULBERSON.
 H.R. 2934: Mr. CULBERSON.
 H.R. 2945: Mr. OWENS and Ms. LORETTA SANCHEZ of California.
 H.R. 3103: Mr. GORDON, Mr. EHLERS, Mr. MCCOTTER, Mr. WEINER, Mr. MARIO DIAZ-

BALART of Florida, Mr. REYNOLDS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HOEKSTRA, Mr. CUMMINGS, Mr. JOHNSON of Illinois, Mr. LAMPSON, Mr. TERRY, and Mrs. NAPOLITANO.
 H.R. 3104: Mr. SHAYS and Mr. ALLEN.
 H.R. 3120: Mr. KILDEE.
 H.R. 3180: Mr. MCDERMOTT.
 H.R. 3191: Mr. DEAL of Georgia and Mr. GALLEGLY.
 H.R. 3192: Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. HOFFFEL, Mr. LANTOS, and Mr. SCHIFF.
 H.R. 3242: Mr. BILIRAKIS.
 H.R. 3243: Mr. RYUN of Kansas, Ms. SCHAKOWSKY, Mr. SHAW, and Mr. RANGEL.
 H.R. 3271: Mr. KENNEDY of Rhode Island.
 H.R. 3275: Mr. INSLEE.
 H.R. 3299: Mr. HALL, Mr. CUMMINGS, Ms. DELAURO, and Mr. FILNER.
 H.R. 3307: Mr. SESSIONS.
 H.R. 3311: Mr. KINGSTON.
 H.R. 3324: Ms. LEE.
 H.R. 3337: Mr. MCDERMOTT.
 H.R. 3355: Mr. DAVIS of Tennessee and Mrs. NAPOLITANO.
 H.R. 3360: Ms. LORETTA SANCHEZ of California.
 H.R. 3361: Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. FILNER, Mr. BROWN of Ohio, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. SCHIFF, and Mr. SABO.
 H.R. 3403: Mr. BISHOP of Georgia, Mr. NORWOOD, and Mr. COLLINS.
 H.R. 3424: Mr. OWENS, Ms. LEE, Mr. SERRANO, Mr. MORAN of Virginia, Ms. KAPTUR, and Mr. FILNER.
 H.R. 3425: Mr. DAVIS of Illinois.
 H.R. 3440: Mr. MEEHAN.
 H.R. 3450: Mrs. JONES of Ohio.
 H.R. 3453: Mr. DAVIS of Tennessee, Mr. LAHOOD, Mr. LUCAS of Kentucky, Mr. REYNOLDS, and Mr. WAMP.
 H.R. 3458: Mr. CUMMINGS, Mr. LAMPSON, Mr. TOWNS, Mr. HOFFFEL, Mr. OWENS, Ms. LEE, Mr. FROST, and Mr. SERRANO.
 H.R. 3473: Mr. ISAKSON, Mrs. MCCARTHY of New York, and Mr. PETERSON of Minnesota.
 H.R. 3474: Mr. GORDON, Ms. GINNY BROWN-WAITE of Florida, Mr. ISAKSON, Mr. GONZALEZ, Mr. LARSEN of Washington, Mr. LAMPSON, Mr. WHITFIELD, Mr. SANDLIN, Mrs. LOWEY, Mr. REYES, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Mr. KELLER, Mr. OLVER, Mr. ROGERS of Alabama, Mr. PAYNE, Mr. MATHESON, Mr. JOHN, Mr. DUNCAN, Mr. NORWOOD, Mr. VITTER, Mr. WILSON of South Carolina, and Ms. WATERS.
 H.R. 3480: Mr. DOOLEY of California, Mr. GREEN of Wisconsin, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, and Ms. SOLIS.
 H.R. 3482: Mr. TERRY.
 H.R. 3484: Mr. SABO.
 H.R. 3513: Mr. JACKSON of Illinois.
 H.R. 3574: Mr. BLUMENAUER, Mr. INSLEE, Mr. MCGOVERN, Mr. HOUGHTON, Mr. DOOLITTLE, Mr. DOOLEY of California, and Mr. CROWLEY.
 H.R. 3611: Mr. BLUMENAUER and Mrs. TAUSCHER.
 H.R. 3615: Mr. SANDERS.
 H.R. 3618: Mr. SERRANO.
 H.R. 3658: Mr. NORWOOD, Mr. DAVIS of Florida, Mr. YOUNG of Florida, Mr. TOWNS, Mr. ISAKSON, Mr. DAVIS of Illinois, Ms. ESHOO, Mr. LEACH, Mr. STARK, Mr. JOHN, Mr. KENNEDY of Rhode Island, Mr. FORD, Mr. McNULTY, Mr. GRIJALVA, Mr. ACEVEDO-VILA, Ms. KAPTUR, Mr. LANTOS, Mr. UDALL of New Mexico, Mr. SNYDER, Mr. KIND, Mr. CUMMINGS, Mr. HALL, Mr. WALSH, Mr. TANNER, Mr. WEXLER, Mr. TURNER of Texas, Mr. LUCAS of Kentucky, Mr. SMITH of New Jersey, Mr. FROST, Mr. TERRY, Mr. LYNCH, Mr. STRICKLAND, Mr. PRICE of North Carolina, Mr. MOORE, Mr. SANDLIN, Mr. SCHIFF, Ms. BALDWIN, Mr. BURR, Mr. FOSSELLA, Mr. STENHOLM, Mr. LAHOOD, Mr. VAN HOLLEN, Mr. RAMSTAD,

Mr. NETHERCUTT, Mrs. CHRISTENSEN, Mr. QUINN, Mr. FRANK of Massachusetts, Mr. ROTHMAN, Mr. JACKSON of Illinois, Mr. BALLANCE, Mr. MATHESON, Ms. MCCOLLUM, Mr. HULSHOF, Mr. MEEHAN, Mr. HOLDEN, Mr. WU, Mr. TAYLOR of Mississippi, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. LINDER, Mr. KILDEE, Mr. SERRANO, Mrs. NAPOLITANO, and Mr. LANGEVIN.
 H.R. 3678: Mr. WALSH, Mr. MCINTYRE, and Mr. PAUL.
 H.R. 3688: Mr. GOODE.
 H.R. 3690: Mr. HOUGHTON, Mr. WALSH, Mr. QUINN, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HINCHEY, Mr. ISRAEL, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. McNULTY, Mrs. MALONEY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, and Mr. WEINER.
 H.R. 3695: Mr. ANDREWS.
 H.R. 3696: Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, and Mr. ETHERIDGE.
 H.R. 3707: Mr. JONES of North Carolina.
 H.R. 3708: Mr. WEXLER.
 H.R. 3717: Mr. EHLERS, Mr. MATHESON, Mr. JONES of North Carolina, Mr. EVERETT, Mr. ROGERS of Michigan, Mrs. NORTUP, Mr. OSBORNE, and Mr. LEWIS of Kentucky.
 H. Con. Res. 78: Ms. SOLIS.
 H. Con. Res. 111: Ms. MCCARTHY of Missouri.
 H. Con. Res. 165: Ms. LORETTA SANCHEZ of California and Mr. RADANOVICH.
 H. Con. Res. 178: Mr. BISHOP of Georgia.
 H. Con. Res. 218: Ms. GINNEY BROWN-WAITE of Florida.
 H. Con. Res. 247: Mr. STUPAK.
 H. Con. Res. 267: Mr. KING of New York.
 H. Con. Res. 276: Mr. WEXLER, Ms. KAPTUR, Ms. WOOLSEY, and Mr. OWENS.
 H. Con. Res. 298: Mr. BEREUTER, Mr. CUNNINGHAM, and Mr. BEAUPREZ.
 H. Con. Res. 311: Mr. FROST.
 H. Con. Res. 335: Mr. POMEROY.
 H. Res. 60: Mr. TURNER of Texas, Mr. ABERCROMBIE, Mr. GRIJALVA, and Ms. LORETTA SANCHEZ of California.
 H. Res. 103: Mr. DUNCAN.
 H. Res. 133: Mr. COLE.
 H. Res. 268: Mr. PAYNE and Mr. CASE.
 H. Res. 302: Mrs. BLACKBURN.
 H. Res. 387: Mr. UDALL of Colorado and Mr. CUMMINGS.
 H. Res. 402: Mr. SIMMONS.
 H. Res. 410: Mr. WEXLER.
 H. Res. 446: Mr. BACHUS, Mr. BURR, Mr. CULBERSON, Mr. KENNEDY of Minnesota, Mr. GOODE, and Mr. PITTS.
 H. Res. 466: Mr. FRANK of Massachusetts, Mr. EVANS, Mr. MCGOVERN, Mr. ALLEN, Mr. SCHIFF, Mrs. JONES of Ohio, Mr. KIND, and Mr. PORTER.
 H. Res. 477: Ms. LOFGREN.
 H. Res. 485: Mrs. NAPOLITANO and Ms. GINNY BROWN-WAITE of Florida.
 H. Res. 499: Mr. SABO, Mr. STARK, Mr. COOPER, Mr. BELL, Ms. KILPATRICK, Ms. SLAUGHTER, Ms. DEGETTE, Mr. MARKEY, Ms. LEE, Mr. MCGOVERN, Mr. HINCHEY, Mr. MCDERMOTT, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. ALLEN, and Mrs. MALONEY.
 H. Res. 500: Mr. CASE, Mr. HAYES, and Mr. JOHNSON of Illinois.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2682: Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. WALSH, and Mr. BLUMENAUER.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, TUESDAY, JANUARY 27, 2004

No. 6

Senate

The Senate met at 12 noon and was called to order by the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our rock, our health, and our life, we thank You that You have been to us a high tower and a strong defense. Thank You for helping us to conquer our anxieties and fears, our sins and follies, our failures and doubts. Lord, we put our trust in You, for our times are in Your hands.

Today, give our Senators the light of Your truth. May they find in You the source of highest joy. Take each of us beyond secondhand faith into an experiential relationship with You. Stir us to new heights of excellence, as You show us Your majesty and glory. Let Your strong right arm defend us. We pray this in Your wonderful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 27, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable Michael B. Enzi, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will again resume debate on H.R. 3108, the pension rate bill. It is our hope to complete the bill either today or early tomorrow. In accordance with the consent agreement entered yesterday, we will vote at 2:30 p.m. today in relation to the Kyl amendment, No. 2234, which is the PBGC hold harmless language. Senator KYL has an additional amendment pending, and I will be talking to the Democratic leadership as to a time certain for a vote in relation to that amendment. There are a number of meetings this afternoon with Members on both sides. So we will be looking for an appropriate time today for that vote.

In addition, one other Senator has expressed an interest in offering an amendment, and we will be trying to schedule that amendment for consideration as well. Having said that, additional votes will, therefore, occur this afternoon as we attempt to finish the pension rate bill today or tomorrow.

I thank Members for their cooperation in letting us move forward on this legislation.

RECOGNITION OF THE MINORITY LEADER

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

Mr. DASCHLE. Mr. President, I appreciate the announcements of the majority leader and will work with him to see if we can't finish the pension bill, if not today, certainly by tomorrow. I think we have had a good debate. There are a lot of good issues that have been addressed. It is an important bill. Even though it is a temporary measure, I think it goes a long way to addressing some of the concerns.

WHITE HOUSE LEAKS AND NATIONAL SECURITY

Mr. DASCHLE. Mr. President, I wish to address an issue that I think deserves even greater attention in the Senate. It has been 6 months now since a senior White House official publicly disclosed one of this Nation's most protected and valuable national security secrets: the identity of an intelligence operative. This act of political retribution not only placed at risk the life of an intelligence operative, it put at risk the security of every American.

In the war on terrorism, the importance of intelligence agents to our national security simply cannot be overstated. Human intelligence is our best weapon against terrorists. By revealing the name of this operative, the senior White House official or officials responsible acted in an unprecedented manner to break a fundamental bond of trust that protects both the mission and the lives of intelligence officers.

Secretary of Defense Donald Rumsfeld summarized the stakes involved when he said:

Leaks put people's lives at risk. And I think that the people in any branch of Government have the obligation to manage their mouths in a way that does not put people's lives at risk. Folks that leak and put people's lives at risk ought to be in jail.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S265

Former President George H.W. Bush put it even more succinctly:

I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors.

While Republicans, including President Bush and members of his Cabinet, have been quick to condemn the act of leaking sensitive information, it took the Justice Department nearly 3 months after this leak to announce it was launching an investigation.

Several more months ensued before Attorney General Ashcroft, in response to criticism about a potential conflict of interest, removed himself from heading up the investigation and turned it over to another Justice Department attorney. Not surprisingly then, given these twists and turns, the identity of the leaker remains unknown to this day.

Last week, unsatisfied with its apparent lack of progress, a group of former intelligence officers asked Congress to open an immediate inquiry into the disclosure of Valerie Plame's name to the media. They said:

The disclosure of Ms. Plame's name was an unprecedented and shameful event in American history, and, in our professional judgment, has damaged U.S. national security, specifically the effectiveness of U.S. intelligence gathering using human sources.

These former intelligence officers took this extraordinary step because they feared that the Justice Department investigation underway may not uncover those responsible or may attempt to explain away the incident as little more than an unfortunate event that does not rise to the level of criminal behavior.

No American—Democrat or Republican—can afford to allow this affair to be swept under the rug. The cloud of uncertainty hangs over our intelligence community. Intelligence agents report growing fear that the community is increasingly viewed as a political tool rather than as an instrument of independent and objective discovery and analysis.

Too many agents and analysts are beginning to wonder what will happen to them if they come forward with facts or analyses that contradict official policies of the administration.

In addition to affecting their work, we should all be concerned about the chilling effect this could have on the willingness of foreign nationals to cooperate with our agents if they, too, come to fear their identities could come to be disclosed. These fears are justified. Leaking the names of covert agents or other intelligence assets represents a direct assault on our intelligence community and our ability to work with foreign agencies and assets.

The nature of intelligence officers' work prevents them from ever receiving from the American people the recognition or thanks they deserve. In fact, despite the incredible risks they assume on our behalf, they do not ask for recognition or thanks. All they ask

is that we keep faith with them and offer them the protection they need to do their jobs.

Someone in the White House betrayed that trust, and we owe it to every intelligence officer—indeed, to every American—to uncover the truth about this leak and punish those responsible to the fullest extent.

In order to shed more light, House Democratic Leader NANCY PELOSI, several colleagues, and myself have requested that the GAO investigate whether or not the White House complied with the administrative requirements to safeguard classified information in the case of CIA operative Valerie Plame.

This investigation is fundamentally different from the Justice Department investigation currently underway. That investigation will assess whether any criminal statutes have been violated.

We have asked the GAO to assess a separate, yet equally important, question of whether the White House followed appropriate internal administrative procedures protecting Ms. Plame's identity and responding to the leak once it occurred.

In order to safeguard the lives of our intelligence agents and the integrity of our intelligence process, we have an obligation to discover the truth about this affair and hold those responsible accountable.

Yesterday at this time I discussed the growing consensus that Iraq did not, in fact, have weapons of mass destruction prior to the start of the war, as we had been told.

I said then and I will say today, every Member of this body has a responsibility to review matters such as these and see that this Senate lives up to its obligations. We simply cannot afford to ignore what happened, why it happened, and our own responsibility to ensure that it does not happen again.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I address the legislation at hand, I will make a brief response to the distinguished Democrat leader's statement concerning our efforts in Iraq and weapons of mass destruction. I think the Senator from South Dakota has a legitimate point in that there needs to be a thorough evaluation of the intelligence and what happened that led us to believe that perhaps some of that information was incorrect. I point out, again, that I am very pleased to note that the overwhelming majority of the American people still believe we did the right thing in Iraq. There is very little doubt in anyone's mind, including the previous administration's statements, that Saddam Hussein had acquired weapons of mass destruction, used weapons of mass destruction, and there is no doubt in this Senator's mind that if he were still in power he would be attempting to acquire weapons of mass destruction.

Certainly we need to find out all the elements that went into the estimates concerning weapons of mass destruction, but at the same time there is a clear record in statements made by the previous President, as well as this President, concerning Saddam Hussein's intentions.

Mr. REID. Mr. President, I wish to say very briefly that Senator DASCHLE's statement regarding the leaking of the name of the informant—someone who worked for the CIA—had nothing to do about whether there were or were not weapons of mass destruction in Iraq. Senator DASCHLE had to leave but he wanted to make sure I made the record clear. His statement had no reflection on whether there were or were not weapons of mass destruction in Iraq. His statement simply relates to the fact that there simply should be an investigation into who leaked the most sensitive information regarding someone who worked for the CIA.

PENSION FUNDING EQUITY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3108, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

Pending:

Grassley amendment No. 2233, of a perfecting nature.

Kyl amendment No. 2234 (to amendment No. 2233), to limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected.

Kyl amendment No. 2236 (to amendment No. 2233), to restrict an employer that elected an alternative deficit reduction contribution from applying for a funding waiver.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 12:30 p.m. shall be equally divided between the bill managers or their designees.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, a series of high profile events, including the Iowa caucuses, the State of the Union Address, the passage of a massive Omnibus appropriations bill, and today's primary in New Hampshire have overshadowed our consideration of this measure, and that is regrettable.

The pension bill that is almost sure to pass this Chamber is folly. The amendment offered by Senators GRASSLEY, BAUCUS, GREGG, and KENNEDY, while addressing the short-term interests of a handful of special interests, could further exacerbate a severe pension underfunding problem. I might say this measure is recognized as such by the administration.

As an editorial in yesterday's Washington Post noted:

Not for the first time, Congress has muscled up to an important problem, taken a good look at it and resolved to make it worse.

I ask unanimous consent that the editorial of Monday, January 26, entitled "Pension Perniciousness" be printed in the RECORD.

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

[From the Washington Post, Jan. 26, 2004]
PENSION PERNICIOUSNESS

Not for the first time, Congress has muscled up to an imported problem, taken a good long look at it and resolved to make it worse. The problem is the vast hole in the nation's corporate pension schemes, and the perverse rules that helped create them. Congress's solution, championed in the Senate by an alliance of Sens. Charles E. Grassley (R-Iowa), Judd Gregg (R-N.H.), Max Baucus (D-Mont.) and Edward M. Kennedy (D-Mass.), is to reward the hole-diggers with what amounts to a \$16 billion loan from taxpayers.

About one in five private-sector workers has a "defined-benefit" pension, the sort in which an employer guarantees a certain pension to its workers when they retire. To pay for these future benefits, employers are supposed to put sufficient money into a pension fund; the problem is they often don't. The gap between money put aside and money needed in the underfunded pension plans comes to an enormous \$350 billion. When companies go bust, the Pension Benefit Guaranty Corp., the government-backed entity that insures pensions, gets saddled with plans that are in deficit. As a result, the PBGC itself has a deficit of 11.2 billion, which taxpayers may have to plug eventually. As more companies go bust, more of the \$350 billion problem out there in the private sector will land on taxpayers' shoulders.

Why do companies run these pension deficits? Because regulations perversely encourage them to do so. If a firm gives workers a pay raise, it will have to pay for that immediately; if it gives them an increase in their pension, accounting rules allow it to defer the cost into the future. This deferral is especially tempting for cash-strapped companies—which often means ones with a strong chance of going bust. Bethlehem Steel, for example, upped its pension promises and declared bankruptcy three years later. Wobbly companies that underfund their pensions would pay extra insurance premiums if the insurer were a private company. But the PBGC's rules do not allow it to price risk properly, adding a further incentive for shaky companies to hitch a free ride with the others.

There is, as Congress is demonstrating, no political constituency for fixing this problem. Weak companies with underfunded pensions lobby lawmakers for permission to continue their imprudence; labor leaders from those same firms lobby lawmakers in the same direction; nobody is on the other side. In the deal currently being cooked up, a group of hard-pressed companies led by the steel industry and the airlines will be given a special break for two years; if any of these firms goes bust in the meantime, the public will end up shouldering the deficits, which is why the congressional measure amounts to a taxpayer loan.

Yet taxpayer support for people in defined-benefit pension plans is a perverse notion. Fully one in two private-sector workers has no company plan whatever. Why should the less fortunate bail out the lucky ones?

Mr. MCCAIN. Mr. President, the editorial goes on to say:

There is, as Congress is demonstrating, no political constituency for fixing this problem. Weak companies with underfunded pensions lobby lawmakers for permission to continue their imprudence; labor leaders from those same firms lobby lawmakers in the same direction; nobody is on the other side. In the deal currently being cooked up, a group of hard-pressed companies led by the steel industry and the airlines will be given a special break for two years; if any of these firms goes bust in the meantime, the public will end up shouldering the deficits, which is why the congressional measure amounts to a taxpayer loan.

Yet taxpayer support for people in defined-benefit pension plans is a perverse notion. Fully one in two private-sector workers has no company pension plan whatever. Why should the less fortunate bail out the lucky ones?

Once again, Congress is poised to give another handout to certain airline, steel, and labor interests, regardless of the costs this could impose on the employees and retirees of these businesses and ultimately on American taxpayers. By allowing these entities to dig their already underfunded plans further into debt, we are creating a very real risk of defaults. When this occurs, the Federal agency that ensures private sector fixed benefit plans, the Pension Benefit Guaranty Corporation, or PBGC, will be the first to try to cover this liability. The PBGC itself is hugely in deficit and ultimately the American taxpayer is on the hook.

I join the PBGC in opposing this proposal that relieves severely underfunded pension funds of the obligation to make deficit reduction contributions, or DRCs, to catch up on their deficits. As the PBGC's director has said:

Giving a special break to weak companies with the worst-funded plans is a dangerous gamble.

In a letter to the majority leader last week, the directors of the PBGC, Cabinet Secretaries Chao, Snow, and Evans, wrote:

It would be irresponsible to amend the interest rate bill with any additional provisions that would significantly further exacerbate systemic plan underfunding. If H.R. 3108 were amended to do so, we as the PBGC board would recommend that the President veto the legislation.

The Grassley, Baucus, Gregg, and Kennedy amendment does just that. In addition to being fiscally irresponsible, the amendment is grossly unfair, once again lavishing Federal largesse on selected industries and companies.

Explaining why the pension system is already in jeopardy, the PBGC directors wrote:

The PBGC reported a record single-employer program deficit of \$11.2 billion through the end of 2003, three times larger than any previously recorded deficit. Last year, the General Accounting Office added the PBGC's single-employer pension program to its "high risk" Federal program list. In addition, the PBGC remains exposed to \$85 billion in pension underfunding in single-employer plans sponsored by financially weak employers. The PBGC also reported the first multiemployer deficit in two decades.

As the Secretaries explained in another letter sent last November:

The DRC rules were put into place to guard against the continuing deterioration of funding levels in underfunded plans. These rules were designed to protect participants' accrued benefits and the financial integrity of the pension insurance system. Suspension of the DRC rules would mean a significant further reduction in the resources available to meet the promises made to existing and future retirees. Moreover, suspending DRC rules would jeopardize pension funding in the future, as companies begin to fund their plans less prudently in anticipation of extraordinary relief from their contributions when the plans become underfunded.

Despite these warnings and a \$400 billion gap between what companies have contributed to their pension funds and what they owe under their plans, why is the Senate ready to give companies whose pensions are severely underfunded a pass on their obligations to ensure their employees' retirement pay? Because, we are told, economic forces beyond anyone's control have come together to create a "perfect storm."

The extraordinary coincidence of low interest rates and a poorly performing stock market, proponents claim, has led to big losses and created a unique hardship for these companies' pension funds.

A look at historical contributions suggests, however, that the anomalous "perfect economic weather" of the last decade is as likely an explanation for the current sorry shape of pension plans as the "perfect economic storm." In the 1990s, record stock market returns allowed companies radically to reduce or simply not budget for pension contributions. Whereas single-employer pension contributions totaled \$63 billion between 1980 and 1984, between 1990 and 1995 single-employer pension contributions amounted to only \$26 billion.

Clearly, today's economic climate is not what it was in the late 1990s, and I do not question that many companies now face significant liabilities to their pension funds. I am not proposing that nothing be done, and the base bill, H.R. 3108, provides enormous relief to all pension funds by adjusting the way in which contributions and assets are calculated so as to reduce companies' obligations to their pension funds by \$80 billion.

The Grassley, Baucus, Gregg, and Kennedy amendment, however, would give another huge break to a very select group of entities. Why, when companies' pension liabilities are so high, should we let a favored few walk away from their responsibilities to their employees and retirees? Why should the Senate permit these select entities to use money that should go to reduce their pension deficits for other purposes, and invite them to dig themselves deeper in the hole, especially when it is likely that the American taxpayers, many of whom have no pension plans, are going to have to bail them out?

We can talk about economic “perfect storms,” interest rates, and bull and bear markets, but I hope that people understand that we are really talking about the ability of retirees to pay their heating bills, buy needed medicine and groceries, and visit their grandchildren. Even if, as I suspect the managers and union officials who support the amendment cynically calculate, the PBGC will assume pension liabilities if plan sponsors default, the benefits that participants will get from PBGC will likely be far less than what they were counting on receiving.

There is no doubt that current pensions laws are in desperate need of reform, but I don’t support DRC relief in a vacuum.

The amendment contains yet another bailout of certain airlines, steel producers, and one apparently very special labor union. DRC relief is granted to these entities with no restrictions. Any other entity that wants to receive DRC relief has to show that it is able to meet its future contributions in a timely manner. Let me repeat that. Any other entity that wants DRC relief must show that it can make its future contributions. Certain passenger airlines, steel producers, and one union, however, get a DRC break, regardless.

Let us talk about the airline industry. I was one of the first people to support giving financial assistance to this industry in the aftermath of September 11. At the onset of the Iraq War, I supported, with some reservations, additional temporary relief to the industry. But here we are again facing another cry for help and an outstretched hand. Let us review the assistance to the airlines over the past few years.

After September 11, Congress provided to the airlines \$5 billion in direct payments to compensate for losses stemming from the September 11 attacks; \$10 billion in loan guarantees; Federal terrorism insurance; \$68 million in reimbursements for increased insurance costs; and, liability protection against claims arising in connection with the September 11 attack.

Later in 2001, Congress provided that the Federal Government assume responsibility for security from the airlines.

In the legislation that established the Department of Homeland Security, Congress extended the terrorism insurance.

In the Iraq Wartime Supplemental Appropriations Act, Congress provided \$2.3 billion directly to the airlines in the proportional share each carrier has paid the TSA or collected in passenger security and air carrier security fees, and suspended security fees from June 1 through September 30, 2003. This has been estimated to provide a savings of \$700 million to airlines.

Congress has appropriated almost \$200 million to reimburse airlines for hardened cockpit door installation.

In the FAA reauthorization bill that was just signed into law Congress once again extended terrorism insurance—through March 30, 2008.

I don’t begrudge the airlines the assistance Congress has provided to date, and I understand that the industries’ health is inextricably bound to the well-being of our economy. That said, I won’t continue to support special aid to airlines without some accountability. We can’t seem to go more than 6 months without the airline industry asking Congress for another handout. I have not doubt that they will be up here again soon asking for tax relief, relief from security fee obligations, or some other form of aid.

I urge my colleagues to stand up for workers and taxpayers, and against a bailout. Disregarding the interests of their employees and members, management and labor have joined in urging Congress to support the amendment by Senators GRASSLEY, BAUCUS, GREGG, and KENNEDY, that is premised on the hope that companies’ currently inadequate pension assets will recover, not through contributions, but through rising interest rates and a robust stock market. I know the Super Bowl is coming up, but this “Hail Mary” pass is not the right move. Let us spend a little time crafting a true pension reform bill rather than simply rushing through a bill that will benefit a handful of coddled industries at the risk of workers and taxpayers throughout this country.

If, as I am afraid will happen, however, the amendment providing select DRC relief is adopted, and this folly is enacted into law, I would expect that companies and unions that avail themselves of this relief will freeze the compensation of their highest paid officials at the same time. If companies and unions determine that they cannot or will not make contributions to their severely underfunded pension plans and honor their obligations to their rank and file, they should not then turn around and increase the princely sums being paid to their top executives. We will be watching.

To reiterate, the airlines were major recipients of this pending amendment, the Grassley-Baucus-Gregg-Kennedy amendment. After September 11, Congress already provided the airlines \$5 billion in direct payments to compensate for losses stemming from September 11, \$10 billion in loan guarantees, Federal terrorism insurance, \$68 million in reimbursement for increased insurance costs, and liability protection against claims arising in connection with September 11. Later, Congress provided that the Federal Government assume responsibility for security for the airlines. The list goes on and on about what we have already done for the airlines and now another bailout for the airlines. I really strongly object to the selectivity of this amendment and I don’t know how you rationalize it.

I thank my colleagues.

The ACTING PRESIDENT pro tempore. Who yields time?

The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, is there a time limit?

The ACTING PRESIDENT pro tempore. There is a time limit. The Senator has 9 minutes 42 seconds remaining.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I have an additional 5 minutes. Perhaps it has to be yielded to me by someone.

Mr. REID. Mr. President, I ask unanimous consent that the request be modified so that if someone from the majority wishes to speak for an extra 5 minutes after Senator BAUCUS, they be allowed to do so.

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

WORKING FOR A BETTER AMERICA

Mr. BAUCUS. Mr. President, I simply wish to say thank you. I rise to say thanks to all my colleagues, particularly here in the Senate, my friends and family in Montana and across the country, my wife Wanda and my son Zeno, my mother, and so many others. Thank you for the best wishes, the get-well cards, flowers, phone calls, and e-mails for the past few weeks. It is astounding how much we do live in kind of a global village and how connected we are. I deeply appreciate the concern of so many of my very good friends.

A few weeks ago, I underwent surgery for a condition known as subdural hematoma which was the result of a fall I took in November while running in what is called the JFK 50 Miler in Maryland. You might ask, Why in the world would someone want to run 50 miles? I sometimes ask myself. Nonetheless, it was then that I took a fall, and as a consequence of that fall, I had this condition called subdural hematoma.

I must say I am very grateful to the doctors, nurses, and everyone who was very helpful. They have encouraged me to take my time. They didn’t want me to do something stupid or dumb, or to get back to work too quickly. Unfortunately, as you well know, we have 24-hour news service these days. When I was at home, I had an extremely bad case of cabin fever. I could hardly wait to get back to work. The doctor said stay home. Wanda said stay home. My friends said stay home. So I stayed home for a little while.

In all seriousness, I am very delighted to be back in this Chamber and back in the Senate with all of you, doing what I love; that is, representing Montanans and working to make their lives better.

Following the surgery, I have been asked several times if any of this has changed my perspective. Does it give me pause? The answer, obviously, is that it does; clearly, it does. It gives you a deeper sense of perspective. It is humbling. I am sure the response would be different for different people, but for me, it caused me to just think a little more clearly and deeply about what we are all about and what we are doing.

I must say I think it has been very helpful. It makes one deeply appreciate what we have in life—our family, our friends, including our health. It also reinforces one's resolve. It makes you want to keep driving, pushing, working to create change and help people. You realize, even more, that we have only a finite amount of time here to get our work done. It subtly reminds you about the ever-daunting deadline that time imposes on all of us, the sense we have to get as much done as we can in the short time we have been given so as not to waste one day, an hour, or a minute.

It also reinforces what my Indian friends taught me so long ago in Montana—that we have a moral obligation to leave this place in as good or better shape than we found it, to pass on to our kids and our grandkids an America as great as our parents bestowed upon us.

It is written in Scripture that much is expected from those to whom much has been given. As Americans—particularly as Members of the Senate—we have been given an awful lot. We have a lot of work ahead of us.

That is why it is imperative we look to the example of leadership set by so many here in this Chamber—courageous yet humble leaders such as my friend and mentor, former majority leader of the U.S. Senate, Ambassador Mike Mansfield. I don't know of a more gentle, a more strong, or, in a sense, a more profound man than Mike Mansfield. He is a man to whom we should all look up for leadership and try to exemplify, although we may never get there, as much as possible.

We have a big year ahead of us. For my part, I will continue to work together with all of you—my distinguished colleagues on both sides of the aisle—to make America an even better place to live, to work, and to raise a family.

I look forward to passing a new transportation bill that will create jobs and ensure safety on our Nation's roads.

I look forward to reforming our pension system to ensure that workers and their families' life savings are protected.

I look forward to working with my good friend, chairman of the Finance Committee, Senator CHUCK GRASSLEY, to pass our JOBS bill, otherwise known as FSC/ETI reform, and to give a boost to domestic manufacturing and create jobs.

I look forward to working together to boost agriculture in our country and get international markets open to U.S. beef as soon as possible.

I look forward to cracking down on tax cheats. There are too many people who cheat Americans by breaking the law in our income tax code. I look forward to making a greater investment in education, something we do not do enough of in this Chamber.

I look forward to working together to curb the rising number of uninsured

Americans. I was lucky. I had surgery performed by excellent people. I am fortunate enough to have good health insurance coverage. A lot of Americans do not. An event like this reminds us that the 43.6 million Americans who go without health insurance must have it. We in Congress, who do have the security of good health insurance, must do much more to assure that more Americans and soon all Americans have health insurance. We are not doing enough.

We tend to get all involved in lots of peripheral issues and not spend enough time on the core issues. I daresay that health insurance inadequacy, the cost of health insurance, is probably the first, second, and third most important issue facing Americans. We do not spend enough time on it.

We have an aggressive agenda before the Senate. It is up to us to fulfill the promises we made, set aside partisan differences, and work together—not talk about it but do it. Do what is right for America. Move our country forward. It is up to us to lead. People want Congress to do what is right. Most Americans are not partisan. They are not very rightwing or very leftwing. Most Americans are in the big middle. They want the Congress to do what is right. It is up to us to provide that leadership.

I say thank you. I deeply appreciate my colleagues in the Senate. It is my distinct honor and privilege to serve here.

I also will address the pension bill and the pending managers' amendment that will be before the Senate later today. First, I thank the chairman of the committee, Senator GRASSLEY, and also Senator KENNEDY, who gave some very kind remarks a few days ago, and Chairman GREGG for their collective persistence, determination, and their willingness to work together. Here is a good example of the two committees, the leadership from both committees on both sides of the aisle, working together to craft a very important piece of legislation. The amendment before the Senate is truly bipartisan. I also thank again Senator KENNEDY for managing the bill in my absence and I deeply appreciate his kind words on the floor a few days ago.

Now let me turn back to the pension bill and the managers' amendment. This legislation helps address the retirement security of literally millions of workers and retirees. It seeks to support the pension benefits they have earned and upon which they rely for their economic well-being. It is an important step to help preserve the embattled defined pension benefit plan. And it is embattled.

The security of our pension system is at stake. Daily we hear employers are dropping out of the defined benefit plan system. The reasons are simple. The defined benefit plans require a commitment on the part of the employer. This is a commitment many employers are no longer willing to make or can afford to make.

A recent survey found that 15 percent of the defined benefit plan sponsors have frozen plans since January 1, 2001. That means these plans will no longer allow workers to earn more benefits. Another 6 percent are actively considering freezing the defined benefit plans. This could mean that more than one in five employees earning a guaranteed retirement benefit will not earn future benefits.

We need to ask what caused this and what can we do. According to the survey, the most common reason for freezing the defined benefit plans is the cost—not just the total cost but also the volatility and unpredictability of the cost. It is one thing to have an obligation you can put in the budget projections. Businessmen love to know what is going on. We understand that. Then business can build a plan to meet certain obligations. It is another thing to have costs that vary wildly from year to year. You do your best to project these costs, but it is difficult. Having cash available for investment in growth and expansion is critical to a successful business. Fluctuating minimum contribution requirements make good business plans very difficult.

In the worst of times, a large unexpected contribution requirement can spell disaster. It can bankrupt an enterprise. That enterprise has to turn the unfunded pension liability over to the Pension Benefit Guaranty Corporation, known as the PBGC.

Last September, the Finance Committee marked up the National Employee Savings and Trust Equity Guarantee Act, a bill that includes a set of long-term funding changes to address the situation. That bill provides temporary relief for companies that are suffering. It provides a temporary substitute for the 30-year Treasury rate, similar to the provision in the amendment before the Senate today. It also provides temporary relief for the deficit reduction contribution for companies that were well funded in the year 2000. These provisions were designed to give companies relief from large contribution cash demands.

The Finance Committee bill includes provisions to allow companies to put more money into their plans when times are good, and the bill provides for long-term replacement of the 30-year Treasury rate with a yield curve, which is a conservative basis for liability measurement.

We need to look at long-term reforms such as those included in the Finance Committee bill. I hope we will do that later this year.

We have an immediate, more pressing need to deal with the problems we face today: low interest rates, the effects of recent market downturns, and the resulting high contribution requirements that companies will face if we do not take action today. Normally, low interest rates are good, but in this case they tend to exacerbate the problem with respect to defined benefit guarantee plans. Increased payments

would have to be made as early as April 15. We must act quickly to provide the needed relief.

The pending managers' amendment has three important components to deal with the immediate problems we face. First, it substitutes the long-term corporate bond rate with a 30-year Treasury rate. Second, it provides partial relief from deficit reduction contributions from companies that did not make a deficit reduction contribution in 2000. And it provides temporary relief from experience loss amortization payments for multiemployer plans.

These are not long-term solutions. They will provide short-term relief from contribution volatility for employers who have been generous enough to provide defined benefit programs for their employees.

The more important factor in the health of the defined benefit system and of the PBGC, which guarantees the benefits of the system, is the health of the employers in response to the plans. The short-term relief provisions will help. The more employers who stay in the system, the healthier those employers and the stronger the system.

I look forward to working with my colleagues to come up with a long-term solution. But the provisions in this bill cannot wait. The retirement security of millions of workers hangs in the balance. I urge my colleagues to support this amendment.

RECESS

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

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CRAIG).

PENSION FUNDING EQUITY ACT OF 2003—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the time until 2:30 will be equally divided between the Senator from Arizona, Mr. KYL, and the Senator from Montana, Mr. BAUCUS, or their designees.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Senator from Montana is otherwise occupied for the moment, so we are going to turn our attention, through myself and Senator KYL, to the legislation we are considering, which is critically important and which has to do with pension plans and offering predictable solutions.

There are many people who I would like to thank, but I will not do that because I only have 7½ minutes.

The legislation we are considering enacts critical reforms that will shore up defined benefit pension plans upon which so many Americans depend. Today, we are updating the interest

rate that companies must use when they calculate the liabilities of their pension plans. An index of long-term corporate bond rates is surely more accurate as a measurement of expected investment return than the now entirely defunct 30-year Treasury rate.

This bill also provides a grace period for pension plans, including multiemployer plans, which have experienced extraordinary losses in the recent stock market declines. Make no mistake, if companies are not accorded reasonable flexibility in funding their plans, then they will not be able to maintain or afford plans for their workers, and their workers will hurt. I know of that because I live in a State where that surrounds me.

I hope today's action is only the first step in a thoughtful and careful process to provide meaningful reforms for the defined benefit pension plan system. Congress ought to do all it can to encourage employers to provide retirement security through such plans.

Today, only 35,000 companies provide defined benefit pension plans, which is less than a quarter of the plans available 20 years ago. That is a big loss. Given the volatility we have seen in the stock market over the last few years, more employees would benefit from having the opportunity to earn secure, predictable pension benefits.

I stand ready to work with my colleagues to address the other important issues facing companies that are interested in providing defined benefit pension plans. For example, Congress ought to reconsider the funding rules to ensure that companies are able to invest appropriately in their pension plans when business is good and profits are strong. We also need to consider ways to strengthen the Pension Benefit Guaranty Corporation which, to say the very least, is stretched dangerously thin.

I hope my colleagues will work with me on important reforms such as these so we can improve retirement security for millions of Americans. As I ask my colleagues to do exactly that, I remind them of the people who are dependent upon us. I have met with many West Virginians who have worked hard all of their lives—as they say, played by the rules—and earned pension benefits from their employers, only to have the rug pulled out from under them in retirement. It is a painful, painful sight.

Wheeling Pittsburgh Steel, Weirton Steel, Kaiser Aluminum, and Special Metals—and I am talking about companies in West Virginia—have been taken over by the PBGC in recent years. Retirees who dedicated their working years to those companies have told me how scared they are. Many have also lost their health insurance. Without their full pension benefits, they have no way to provide for their health care needs.

Some people—and I am talking about seniors who are 60 or 65 years old—have told me they are looking for work. Part of their so-called retirement will

be spent on the job because the pension benefits they were promised—the benefits they did earn—have been taken away.

The legislation we are considering today will not solve all problems. More comprehensive pension reform is needed. But I am pleased this bill will help companies maintain pension plans that otherwise might have been canceled.

AMENDMENT NO. 2234

I would also like to take a moment to address the amendment that has been offered by my colleague from Arizona. On behalf of the steelworkers of my State and the steelworkers of the State of the Presiding Officer, and on behalf of steelworkers across this country and many other hundreds of thousands of working people, I want to oppose the amendment that the Senator has offered.

The legislation that Congress is considering today is designed to help companies maintain critical pensions on which workers are depending. We are doing so to protect workers from losing benefits that they have been promised. We understand some companies, faced with particularly hard times, are unable to immediately make up the investment losses recently suffered by pension plans. If companies cannot afford to meet strict deficit reduction contribution requirements, they might be compelled to abandon pension plans and leave workers without secure retirement benefits.

Having said this, the Kyl amendment would dramatically decrease the security of hard-earned retirement benefits. The amendment fundamentally undermines the guarantee provided by the Pension Benefit Guaranty Corporation which insures the defined benefit retirement plans. Let me be very clear about that because the PBGC is, unfortunately, something that we know a great deal about in the part of the country I come from. I repeat, the Senator's amendment would dramatically decrease the security of hard-earned retirement benefits. It undermines the guaranteed portion of the Pension Benefit Guaranty Corporation. If Congress is going to change the guarantee provided by the PBGC, we must look for ways to improve the guaranteed benefit, not undermine it.

Hundreds of thousands of Americans currently depend on PBGC for their retirement security. These are people who toiled away for years, often in very dangerous occupations, in all kinds of them. It is absolutely essential that we do not erode the already inadequate guarantee that protects these workers in their old age. Retirees depend upon PBGC payments to pay for food, housing, and, increasingly, to cover health care costs when retiree health benefits have been reduced or eliminated, as is so often the case. It would be unconscionable for Congress to provide relief to cash-strapped companies to help them maintain the pension plans they offer, only to punish the employees of those companies by

denying them the benefits they have earned.

I hope my colleagues will join me in standing up for workers and defeat this amendment.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona.

Mr. KYL. Mr. President, it is my understanding that I have 7½ minutes to speak to the amendment which I have offered.

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. Let me point out what we are doing here and then explain the very modest amendment I have offered which would not undermine the pension guarantee for employees.

The basic problem we have is that the Treasury note that was used to calculate the payments that companies make to the fund to guarantee pensions for their employees is no longer being issued, so some substitute had to be found. The underlying bill uses the 30-year Treasury note as that substitute. I think everybody agrees that needs to be done on a temporary basis.

There was a deficit created in the pension fund because companies were not paying in the appropriate amount during the period of time that the Treasury note was not being issued. As a result, the fund accrued a deficit. It is over \$11 billion. So companies are being asked to pay in a deficit reduction contribution to make sure that the fund has the money that is required to ensure that employees will receive their benefits.

Ironically, it is the proponents of the amendment that are undercutting the fund because what they are saying is not everybody will have to pay their fair share into the fund to guarantee payments to employees; that for a couple of steel companies and a couple of airlines, they will not have to make the full deficit reduction contribution. Instead, in the first year, they only have to pay 20 percent of what is required. In the second year, they would only pay 40 percent of what is required. That, obviously, is going to mean, for those companies, they are not paying in what they should be to ensure that their employees are fully covered.

All my amendment does is say that given the fact that in this situation an employer is not paying in the full amount, the pension guaranty board should not be on the hook for benefits that are accrued just during this period of time. So what we say is that if a business takes advantage of this special rule, and if it fails during the 2-year period that this is in effect or 2 years thereafter, then all of the benefits that accrued during that period of time would not be guaranteed by the board. In other words, the corporation would have to hold harmless the pension guaranty board.

If we don't do this, then the prediction that the board members who are in charge made in their recent letter would potentially come true. The Pension Benefit Guaranty Corporation

has three board members: The Secretary of Treasury, the Secretary of Commerce, and the Secretary of Labor. They wrote a letter to Leader FRIST on January 22 and this is among the things they said:

We believe that H.R. 3108 would best protect pensions and pensioners if passed free of any provisions to alter the Deficit Reduction Contribution rules.

The underlying amendment does, in fact, alter the deficit reduction contribution rules.

Specifically, it would be irresponsible to amend the interest rate bill with any additional provisions that would significantly further exacerbate systemic pension plan underfunding.

Obviously, if you don't require all of the companies to pay in their fair share, you are, in fact, undermining the fund. They conclude by saying:

If H.R. 3108 were amended to do so, we as the PBGC board would recommend that the President veto the legislation.

My point in mentioning this is to note that it may be that the amount of money we are talking about would not be interpreted as significantly underfunding. That would be the hope because if it would be, then I don't think any of us would be happy. But what I would suggest is that as a way of ensuring that the impact is minimized, my amendment should be adopted. It is very minimal. It simply says for those companies, if any, that choose to take advantage of this special waiver from the deficit reduction contribution, if they fail during this 2-year waiver period, then only the benefits that are accrued during that period would not be covered. That is to say, they would have to hold harmless the pension guaranty board for that amount of money.

The reason is obvious: They are not paying in. They should not receive the benefit of the guarantee. If they want to receive the benefit of the guarantee for those benefits, then pay in their fair share. Obviously, they are totally covered for all of the benefits accrued up to that date because they paid in up to that date. So we are basically saying: If you choose as a corporation to take advantage of this waiver and not pay in what everybody else has to pay in, you should be on the hook for that amount of money. You should not ask the taxpayers or your rivals in business, your competitors, or the board to try to make up that difference.

The reality is, we are not talking about a great deal of money. The principle is important and would help to make this underlying amendment a little bit more palatable to some of us on this side and to the administration.

I yield to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want my colleague from Arizona to listen. If I misstate this, I hope he will correct me. I urge our colleagues to vote in favor of the Kyl amendment.

The Pension Benefit Guaranty Corporation is in trouble. It guarantees

pensions, both single-employer plans and multiemployer plans, and it doesn't have enough money to provide the guarantees that it has already made.

So there is a catchup provision that says, well, you should pay up; you should help. This bill we are getting ready to pass is going to make it easier on some companies—airlines and steel—so they don't have to pay as much on the catchup. The Senator's amendment says if those companies grant additional benefits, i.e., increased pensions, and if they go upside down—declare bankruptcy—PBGC will not be held for any incremental benefits increase during this 2-year period of time; is that correct?

Mr. KYL. Mr. President, if I may correct one aspect. Theoretically, a new employee would be a new benefit, but the reality is that since the accrual or the benefit is usually a 3- to 5-year time period, new employees would not in fact be covered.

Mr. NICKLES. If the Senator will yield further, you want to make sure people are not receiving additional pension changes, i.e., increasing benefits by 10 percent for all covered employees?

Mr. KYL. Mr. President, that is one of the purposes of this. To be clear, technically, a new employee would be counted, but since the benefits don't accrue for 3 to 5 years anyway, it probably would be de minimis.

I urge my colleagues to support the Kyl amendment.

The PRESIDING OFFICER. All time has expired.

Mr. ROCKEFELLER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. ROCKEFELLER. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the Kyl amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "nay."

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

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

The result was announced—yeas 67, nays 25, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—67

Akaka	Domenici	Lugar
Alexander	Dorgan	McConnell
Allen	Durbin	Miller
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Pryor
Boxer	Graham (FL)	Reed
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Byrd	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Talent
Corzine	Landrieu	Voinovich
Daschle	Lautenberg	Leahy
Dayton	Leahy	Warner
DeWine	Levin	Wyden
Dodd	Lincoln	

NAYS—25

Allard	Ensign	Nickles
Bunning	Fitzgerald	Reid
Burns	Graham (SC)	Santorum
Campbell	Hagel	Sessions
Chafee	Hutchison	Snowe
Cornyn	Kyl	Sununu
Craig	Lott	Thomas
Crapo	McCain	
Dole	Murkowski	

NOT VOTING—8

Baucus	Edwards	Lieberman
Biden	Inhofe	Mikulski
Chambliss	Kerry	

The motion was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, could I have the attention of the chairman of the Finance Committee? Would the Senator enlighten us as to what he expects as far as when we are going to complete this legislation? As the Senator well knows, we have been on it Wednesday, Wednesday afternoon, Thursday afternoon, Friday, Monday, and today. We have had one amendment. I know we are going to run into all kinds of problems later on in the session about time, and I was just wondering what the leadership intended to do on this bill.

Mr. GRASSLEY. We hope to work out agreements on all of the remaining amendments yet today and then have a vote tomorrow and close down very shortly because of weather.

Mr. KENNEDY. Fine. I do not believe there are any amendments on this side.

Mr. GRASSLEY. There is one more on this side.

Mr. KENNEDY. Fine. I look forward to working with the chairman. We are together on this.

Mr. GRASSLEY. Yes.

Mr. KENNEDY. As a matter of interest, Members on our side have inquired about how we were going to proceed on

the legislation. I wanted to give them some opportunity. I thank the Senator.

The PRESIDING OFFICER (Mr. CHAFFEE). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, over the past few days we have had a good debate and discussion of the challenges facing the defined benefit pension plan system. I thank my colleagues for engaging with us on these issues that are so vital to the well-being of American workers and their families.

As I and others have mentioned, defined benefit pension plans provide a greater certainty and greater security to retirees. Every American deserves this kind of security in his or her old age in terms of retirement. There are savings, which are so important, Social Security and pensions. We have seen savings reduced significantly with our economic downturn and we have also seen the pensions of so many of our citizens threatened.

This legislation is designed, as pointed out earlier, to try to deal with a particular challenge in a temporary way until we can reach a final determination on how we are going to proceed. But it is absolutely essential.

This week we have taken the first important step to stabilizing our Nation's pension plans, which have been battered by a perfect storm of economic conditions over the last 3 years.

I again thank Chairman GRASSLEY, the ranking minority member, Senator BAUCUS, as well as our HELP committee chairman, Senator GREGG, for working with all of us to develop a moderate bipartisan measure to address the pension system's short-term problems. This amendment does not weaken the existing funding bill. It simply provides temporary, moderate relief to give companies and workers the breathing room needed to take steps to further protect these pension plans. We must take advantage of this time to improve and expand our pension system.

More and more American workers are finding themselves without a pension. Since 2000, 3.3 million Americans have lost their pension coverage. In 2002, only 53 percent of our Nation's workers were participating in retirement plans—the lowest level in over a decade. Only one in five workers today has a secure defined benefit plan.

This drop in pension coverage is part of an overall decline in the quality of jobs and the quality of benefits that American workers are receiving. American workers are working harder than ever, but they are getting less and less for their effort.

I want to take a few moments here on the floor of the Senate to remind our friends and colleagues what the real state of the union is with regard to workers in our country at this time.

As recently as today, there were statements and comments by the chairman of the Federal Reserve. On CNN, they asked the question: Do you agree with Federal Reserve Chairman

Alan Greenspan's comment that new jobs will replace old jobs as they always have?

We could ask that in this Chamber. I wonder what the answer would be. The American people get it—certainly the viewers of CNN do. This is nonscientific, but it is a reaction. Those who believe Mr. Greenspan was right were 11, and those who believe he was wrong were 89 percent.

Americans are getting it. They are understanding it.

The Federal Reserve Bank publication Economics and Finance, last summer said—I will include the appropriate references—that the downward turn in the mid-1970s and early 1980s shows an even mix of cyclical and structural adjustments—those who lost their jobs as temporary workers and who lost their jobs which are more permanent in nature. During these episodes, half the unemployment was structural and half was cyclical. The pattern changed in the early 1990s when industry was undergoing structural adjustments and increased its share of total employment to 57 percent.

The greatest change, however, is apparent. In the 2001 downturn, 79 percent of the employees worked in industries affected more by structural shifts than by cyclical shifts. That means, in simple language, those who responded to the CNN poll understand that 80 percent of the jobs that are lost today are permanently lost. This has to be a major concern.

This chart indicates that the Federal Reserve reports the Bush job loss is permanent. In the 1950s, the permanent job loss was 51 percent; in the 1980s, again 51 percent; and, early 1990s, only 57 percent. Now, there is an 80 percent permanent job loss—the first time in the history of this country.

There is a report from the Department of Labor which shows that 36 States have lost jobs since President Bush took office, and 27 States lost more jobs in the last month alone. The rate of job loss in my State of Massachusetts since President Bush took office is higher than in any other State.

I say to the Chair, my friend and colleague from Rhode Island, I doubt if Rhode Island is very far behind. Over the last 3 years, 193,000 jobs disappeared, and 200,000 Massachusetts residents are currently unemployed. In Massachusetts, 2,500 workers a week are running out of benefits because our Republican friends and the Bush administration refuse to extend the unemployment compensation temporarily for 13 weeks to permit these families to pay a mortgage and to put food on the table. These workers have paid into the fund. The fund has \$17 billion in surplus. The cost of this legislation for 13 weeks is \$7 billion. But no.

Look at what the President of the United States said at the time of his State of the Union. He said, "This economy is strong and growing stronger." Applause. And then he said, "Jobs are on the rise." Applause.

That really defies the facts and reality in terms of what is happening across the United States in terms of real jobs.

I referred previously to the excellent article and report of just last Friday. This information is current. These figures are current with regard to my own State of Massachusetts. The statement of the chairman of the Federal Reserve is current. The study of the Federal Reserve is current.

Here is the Wall Street Journal pointing out that the gap in wages and equality is growing for U.S. workers. The gap between the highest and lowest earners in America is widening again, with election year ramifications. The trend is a reflection of the job market. The exceptionally weak response to the current economic recovery as well as the long-term technological and economic changes have eroded the bargaining power of America's lowest paid workers. Data show that younger workers, who currently have fewer job prospects than a few years ago, in particular are bearing the brunt. The numbers indicate a movement to greater wage inequality around the time President Bush succeeded President Clinton.

This is the Wall Street Journal. This is not a Democratic organ I am quoting.

The disparity started under President Bush with the economic slide into recession 3 years ago. The trend represents a reversal of the late 1990s when the lowest rates in a generation enabled the lowest paid workers to keep pace with those at the top. Mr. President, we will look at the jobs referred to in the President's State of the Union. He talked about these jobs as being on the rise.

Look at this chart. This refers to what is happening in the job market.

The late 1990s, 1998 to 2000, all the fourth quarter—the same quarter we were coming out of the recession—for every job that paid \$16.31, the new job paid \$18.32, a \$2 bonus. Lost your job? Get a new job and get better pay. This is the average of all the new jobs.

What is it today? Under the Bush recovery, for every job that was paying \$16.92, the replacement job is \$15.65—22 percent nationwide; 35 percent in the State of New Hampshire where so many of our friends and colleagues are today. No wonder the citizens of New Hampshire are concerned about the state of the economy, the cost of tuition, and the cost of health care.

Look what is happening in the industries across the country at the point of hiring. We find workers are working harder, working longer, and they are making less. This is the real state of the Union.

This chart shows nationwide only two States—Nebraska and Nevada—have actually increased employment and had a pay increase over the employment figures when the President took office. Every other State has seen a decline.

How does the recovery stack up with other recoveries, the last nine recoveries, going back to 1949? This chart compares the constant quarter used when the recession ended. What happened to wages? Going back to 1949, they went up 16 percent; 10 percent in 1954; 10 percent again in 1958; in 1961, 7.9 percent; 9.2 percent in 1982; 1991, 6.1 percent; and 2001, 1.58.

That is what is happening out here among workers in the workplace. No wonder, as CNN reported last week, that American workers are finding themselves competing with cheap foreign labor just to hold on to their jobs. They are overwhelmed because they feel as if forces way beyond their control are making decisions that affect their lives. They are exhausted because they are working harder and longer and faster just to stand still.

Who is making out with this recovery? This chart compares the recovery in the 1990s and the recovery today. In the Bush economy, corporate profits ballooned compared to workers' wages. With the recovery in the early 1990s, 60 percent of the new economic activity was reflected with 60 percent going to the workers' wages; with the recovery in the 1990s, 40 percent went to corporate profits. With today's recovery, 86 percent goes to corporate profits and 13 percent goes to the workers in this country.

Talk about disparity. Talk about fairness. What is going on is the most dramatic change and shift in recent history in terms of the relationship between the profits and what the workers are earning.

That is absolutely wrong. The results are dramatic. In the year 2000, there were 31 million Americans living in poverty. Today, there are 34 million Americans living in poverty, according to the Department of Commerce.

It is not just what is happening in the job markets; it is happening in health care costs. We see this in the most recent Time magazine, February 2, "Why Your Drugs Cost So Much More." The report shows Americans spent \$162 billion on prescription drugs in 2002, up from less than \$100 billion a decade ago.

Health care spending continues to rise; 9.3 percent in 2002, according to the trade journal Health Affairs. That is the largest increase in 11 years. Employers tighten coverage to cut costs; consumers are more resentful of what they are paying at the drugstore. While prescriptions represented only 10 percent of the total health care costs in the United States in 2002, they amount to 23 percent of the out-of-pocket costs for the consumer.

We passed a drug bill last fall. One would think we would look at coverage and try to do something about costs. No way. Written into that, behind closed doors, were the provisions that this Bush administration and the Republicans prohibited the Secretary of HHS to be able to bargain with the drug companies in order to see some re-

duction. The Secretary for Veterans Affairs can do it and it means a 47-percent reduction for veterans' prescription drugs. But this was prohibited in the legislation.

Hopefully in this Congress under the leadership of TOM DASCHLE and Congresswoman PELOSI, we will address what is happening with health care costs. Prescription drug costs are a special problem because the cost of prescription drugs is out of control. We have to do something for our fellow Americans, primarily our seniors but for others as well, and about the costs of health care generally.

Workers are working harder, longer, and for less. They are worried about their health care. The costs are going through the roof, with very little insight to get a handle on that cost.

We look not only at what workers are looking for in terms of their costs for health care and the costs of health care for their parents. Look at the costs of college education. This chart is a comparison of tuition at a 4-year public university; it was \$3,700 in 2001–2002; now it is \$4,700. That's a 26-percent increase since 2001.

How can average working families afford to send their child to school? How do they afford their health care costs, their prescription drug costs, their tuition?

Look what has happened to wages—nothing. That is the real state of the Union, not this "jobs are on the rise, and the economy is strong and getting stronger."

This is the description of what is happening out there to American workers. What is the answer of this administration? We say, with regard to the lowest workers, let's see an increase in the minimum wage.

The minimum wage has not been increased in 7 years. By the end of this year it will be at its lowest purchasing power, in real terms, in the history of the minimum wage. We say: Let's get an increase. There is a majority of the Members in this body who would vote for an increase in the minimum wage, and we have been prohibited from getting it because the Republican leadership will not let us get a vote on the issue.

Seven million Americans are entitled, when they are working 40 hours a week, 52 weeks a year, not to have to live in poverty. That is what we believe on this side. We challenge the other side to give us an opportunity to let the Senate express itself.

We have the second issue that I have mentioned, unemployment compensation. Mr. President, 90,000—think of that number of people—90,000 individuals a week are losing their unemployment compensation. I do not know how those families do it. How does a father and mother come back and look into the eyes of their children when they lose that unemployment compensation, having worked hard all of their lives, paid into the fund, and it is suddenly gone? And they cannot find a job because we are in a jobless recovery. As

the figures show, in the last month, this administration said there would be 300,000 jobs. There have been 1,000 jobs created. It is a jobless recovery.

How do those parents deal with it? How do those children react? That is what is happening. Now we cut away their lifeline, the temporary unemployment compensation. No, you cannot have it. You cannot have an increase in the minimum wage to provide some relief. And that is a family value issue because most of those who work for the minimum wage are women, and many of the women have children. It is a family issue, a children's issue, a women's issue, a civil rights issue, a fairness issue. Yet we cannot have a raise in the minimum wage. We cannot have an extension of unemployment benefits.

Beyond that, we are going to stick it to 8 million Americans in denying them overtime. We had the debate on that earlier, that proposed regulation by the administration to restrict overtime coverage for 8 million Americans. It was rejected here under the leadership of my friend and colleague, Senator HARKIN. It came up in the House of Representatives. It was rejected there. Then those provisions rejecting this regulation were stripped out of the omnibus bill behind closed doors in the middle of the night.

That is unfair to a number of different professions. It is unfair to nurses, firefighters, and police officers. They are the backbone of homeland security. But it is unfair to others as well, including many professions which have predominantly women in them. It is very unfair to working women.

The cruelest part of this whole proposal was the part of the regulations that said if service men and women, when they are over in Iraq defending this country, and Afghanistan or other parts of the world, got a little specialized training, when they come back and take a job, if they had that specialized training, they would not be eligible for overtime.

Can you imagine that? We use these training programs as an incentive for people to go into these services. I have asked on the floor and would love to see the exchange of information between the Secretaries of Labor and Defense on that issue because this is a major incentive—training programs, education—for young people who perhaps do not have the resources to be able to go on to college and do not want to be a burden on their parents. They go into the service—proudly go into the service—and wear the uniform of our country, and defend our country, but they also try to get that help and assistance in the form of training and education.

I will end on this issue with this letter from Randy Fleming, a veteran, and what this proposal would mean to veterans. He is a Boeing employee worried about losing his overtime. This is what his letter says:

My name is Randy Fleming. I live in Haysville, Kansas—outside Wichita—and I

work as an Engineering Technician in Boeing's Metrology Lab.

I'm also proud to say that I'm a military veteran. I served in the U.S. Air Force from August 1973 until February 1979.

I've worked for Boeing for 23 years. During that time I've been able to build a good, solid life for my family and I've raised a son who now has a good career and children of his own. There are two things that helped make that possible.

First, the training I received in the Air Force made me qualified for a good civilian job. That was one of the main attractions when I enlisted as a young man back in Iowa. I think it's still one of the main reasons young people today decide to enlist. Military training opens up better job opportunities—and if you don't believe me, just look at the recruiting ads on TV.

The second thing is overtime pay. That's how I was able to give my son the college education that has opened doors for him. Some years, when the company was busy and I had those college bills to pay, overtime pay was probably 10% or more of my income. My daughter is next. Danielle is only 8, but we'll be counting on my overtime to help her get her college degree, too, when that time comes. For my family overtime pay has made all the difference.

That's where I'm coming from. Why did I come to Washington? I came to talk about an issue that is very important back home and to me personally as a working man, a family man, and a veteran. That issue is overtime rights.

The changes that this administration is trying to make in the overtime regulations would break the government's bargain with the men and women in the military and would close down opportunities that working vets and their families thought they could count on.

When I signed up back in 1973, the Air Force and I made a deal that I thought was fair. They got a chunk of my time and I got training to help me build the rest of my life. There was no part of that deal that said I would have to give up my right to overtime pay. You've heard of the marriage penalty? Well I think that what these new rules do is to create a military penalty. If you got your training in the military, no matter what your white collar profession is, your employer can make you work as many hours as they want and not pay you a dime extra.

If that's not bait and switch, I don't know what is.

And I don't have any doubt that employers will take advantage of this new opportunity to cut our overtime pay. They'll tell us they have to in order to compete. They'll say if they can't take our overtime pay, they'll have to eliminate our jobs.

It won't be just the bad employers, either—because these rules will make it very hard for companies to do the right thing. If they can get as many overtime hours as they want for free instead of paying us time-and-a-half, they'll say they owe it to the stockholders. And the veterans and other working people will be stuck with less time, less money, and a broken deal.

I'm luckier than some other veterans because I have a union contract that will protect my rights for a while anyway. But we know the pressure will be on, because my employer is one that pushed for these new rules and they've been trying hard to get rid of our union.

And for all those who want to let these military penalty rules go through, I have a deal I'd like to propose. If you think it's okay for the government to renege on its deals, I think it should be your job to tell our military men and women in Iraq that when they come home, their service of their

country will be used as a way to cut their overtime pay.

You can't say it any better than that. And the cruelest part of it all is that the Labor Department puts out a publication to show employers how to go about cutting his overtime pay.

Mr. President, just finally, I want to make mention of something we ought to be concerned about—and we ought to be concerned about all workers—but it just came to my attention that the administration's overtime proposal will affect the U.S. Capitol Police.

The Capitol Police was first created in 1828 with the sole mission of providing security for the U.S. Capitol Building. These dedicated officers protect our lives, the lives of our staff, and the security of the Nation's Capitol every single day.

Nearly 2,000 officers are responsible for these duties, and hundreds of them could lose their overtime pay under the Bush plan.

After September 11, many of these officers worked around the clock to secure our safety. During the anthrax attacks, the officers dedicated hours and hours away from their families to secure the Capitol against further biochemical attacks.

If you walk through these halls, you can hear the buzz among these officers: Are we going to be affected by this overtime proposal? How could they do this to us?

Not every officer would be affected, but many with the specific duties listed in the Bush proposal could lose their overtime protections. Denying overtime protections to even one Capitol Police officer is too much.

Sergeants and other officers who spend most of their time on nonmanagerial activities but who supervise two other officers could lose their overtime protection.

And for the first time in the history of the Fair Labor Standards Act, nearly 40 percent of the Capitol Police force—those earning above a certain amount who meet just one of the exemption criteria—will not have access to overtime protections.

Well, this is where we are. We want to give the assurance to the American workers, to their families, to parents and their children that we are going to battle.

We are going to battle to make sure this administration doesn't implement those overtime rules. We are going to battle every moment we have, every opportunity we have, to extend unemployment compensation. And we are going to battle time and time again to increase the minimum wage. Let there be no mistake about it. It is going to come up in the Senate time and time and time and time again, until we provide some justice for workers in America.

AMENDMENT NO. 2264 TO AMENDMENT NO. 2233

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the pending

amendment be set aside for the purpose of offering another amendment that has been agreed to.

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

Mr. GRASSLEY. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. NICKLES, proposes an amendment numbered 2264 to amendment No. 2233.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to the status of private pension plans)

At the appropriate place, insert:

SEC. __. SENSE OF THE SENATE ON STATUS OF PRIVATE PENSION PLANS.

(a) FINDINGS.—Congress makes the following findings:

(1) The private pension system is integral to the retirement security of Americans, along with individual savings and Social Security.

(2) The Pension Benefit Guaranty Corporation (PBGC) is responsible for insuring the nation's private pension system, and currently insures the pensions of 34,500,000 participants in 29,500 single-employer plans, and 9,700,000 participants in more than 1,600 multi-employer plans.

(3) The PBGC announced on January 15, 2004, that it suffered a net loss in fiscal year 2003 of \$7,600,000,000 for single-employer pension plans, bringing the PBGC's deficit to \$11,200,000,000. This deficit is the PBGC's worst on record, three times larger than the \$3,600,000,000 deficit experienced in fiscal year 2002.

(4) The PBGC also announced that the separate insurance program for multiemployer pension plans sustained a net loss of \$419,000,000 in fiscal year 2003, resulting in a fiscal year-end deficit of \$261,000,000. The 2003 multiemployer plan deficit is the first deficit in more than 20 years and is the largest deficit on record.

(5) The PBGC estimates that the total underfunding in multiemployer pension plans is roughly \$100,000,000,000 and in single-employer plans is approximately \$400,000,000,000. This underfunding is due in part to the recent decline in the stock market and low interest rates, but is also due to demographic changes. For example, in 1980, there were four active workers for every one retiree in a multiemployer plan, but in 2002, there was only one active worker for every one retiree.

(6) This pension plan underfunding is concentrated in mature and often-declining industries, where plan liabilities will come due sooner.

(7) Neither the Senate Committee on Finance nor the Senate Committee on Health, Education, Labor and Pensions (HELP), the committees of jurisdiction over pension matters, has held hearings this Congress nor reported legislation addressing the funding of multiemployer pension plans;

(8) The Senate is concerned about the current funding status of the private pension system, both single and multi-employer plans;

(9) The Senate is concerned about the potential liabilities facing the PBGC and, as a

result, the potential burdens facing healthy pension plans and taxpayers;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance and the Committee on Health, Education, Labor and Pensions should conduct hearings on the status of the multiemployer pension plans, and should work in consultation with the Departments of Labor and Treasury on permanent measures to strengthen the integrity of the private pension system in order to protect the benefits of current and future pension plan beneficiaries.

Mr. GRASSLEY. Mr. President, as I indicated, this amendment has been cleared on both sides. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 2264) was agreed to.

Mr. GRASSLEY. Mr. President, there have been some inquiries about other amendments. We have some other amendments on which we are working. I will file them. Then I believe that would be the end of consideration of this legislation today. I will come back later on to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I would like to offer a comment or two about the legislation before us and express my thanks to two Members of the Senate who have been very involved in shaping this legislation, Senator GRASSLEY and Senator KENNEDY. I thank them for the work they have done.

There is a lot of concern in this country about the exodus of manufacturing jobs and technology jobs. The legislation before us is a thoughtful, timely response to a number of employers, large and small, who are concerned that unless we address this problem with respect to selecting an appropriate successor to the 30-year Treasury bond, an appropriate measure to determine what magnitude of money should be contributed to pension funds, we are going to otherwise increase the exodus of jobs, manufacturing and otherwise.

We are doing good work. My hope is we will be able to finish this legislation this week and get on with our business and allow employers to get on with theirs.

ENERGY EFFICIENCY FOR AIR CONDITIONERS

Mr. CARPER. Mr. President, about a week or so ago I learned that a U.S. circuit court of appeals, I believe for the Second District, had released a decision that is a major victory for energy efficiency. It offers significant savings for consumers of electricity. It is important for our Nation's energy future. Finally, it will help to improve the quality of air we breathe.

Let me take a moment to talk more about this decision and its impact. To provide a bit of background, among the U.S. Department of Energy's respon-

sibilities is to establish energy efficiency standards for electrical appliances. Central air-conditioners, the type that cool most of our homes and offices, must meet the appropriate seasonal energy efficiency rating, better known as SEER. During warm summer days—which seem a long way away now—central air-conditioners account for more than half of the electricity we use. Increasing the efficiency of these necessary modern comforts will result in significantly less stress on our Nation's electricity grid and reduce the occurrence of blackouts.

According to the Alliance to Save Energy, requiring energy-efficient air-conditioners would avoid having to construct as many as 48 new electric powerplants over the next 16 years. It would also result in less greenhouse gases and harmful air pollution being released into the atmosphere because of reduced electricity demand.

Some of you may recall at the close of the Clinton administration, after exhaustive research, review, and comment, the Department of Energy set forth a new standard known as SEER 13. In doing so, the Energy Department directed that central air-conditioners, sold beginning in 2006, would need to be 30-percent more energy efficient than those currently available.

Unfortunately, that standard was withdrawn a couple of years ago when the current administration took office. That standard was replaced with a less efficient, less rigorous requirement. The revised standard, known as SEER 12, would have required just a 20-percent increase in energy efficiency.

In response to the administration's actions, 10 States, several consumer groups, and the Natural Resources Defense Council filed suit at that time in an attempt to overturn this weakened standard.

It was 2 years ago, as the Senate was beginning to consider the Energy bill, that I was encouraged that the legislation we are considering should have restored the higher SEER 13 standard originally embraced by the Clinton administration. Unfortunately, that language was removed during the debate on the bill and the weaker SEER 12 standard was allowed to stand.

Last year, I discussed options for reinstating the higher SEER 13 standard but decided to hold off until the pending court case was decided. As I said, I was gratified to learn last week that the U.S. Circuit Court of Appeals for the Second Circuit had decided in favor of the original, more rigorous standard. The court's decision means that consumers will be able to purchase energy-efficient air-conditioners that could cut electricity bills for them by over \$1 billion per year. The administration could decide to appeal the court's decision to the Supreme Court. I urge them today not to do so.

As we debate again and again the future of energy policy, this court decision is one that should be embraced and encouraged, not appealed. We

should take every opportunity to increase our energy security. This is one of those opportunities.

I yield the floor and thank Senator DURBIN for his consideration.

The PRESIDING OFFICER. The Senator from Illinois.

CBS REJECTION OF MOVEON.ORG AD

Mr. DURBIN. Mr. President, I thank the Senator from Delaware for his statement and for holding to the time limit he promised. He is a man of his word.

Recently I learned that the CBS television network, which claims to be the No. 1, most-watched network, with more than 200 affiliated stations, rejected an ad for its upcoming Super Bowl broadcast that will be on Sunday. CBS's explanation for rejecting this ad was that their network prohibited the showing of advertisements that take stands on controversial public policy issues.

So what was this controversial, dangerous ad which CBS is protecting American viewers from watching? Well, it was an ad sponsored by a non-profit organization called MoveOn.Org. You can find it on your Web site at MoveOn.Org. You can see the ad. This 30-second ad shows several children working unhappily in a variety of grownup jobs.

When you go to the Web site and bring up this ad, you can see a little girl cleaning the floor of a commercial building with music playing in the background, a boy washing dishes at a restaurant, another youngster working on an assembly line in a factory, another fixing tires at an automobile shop, and another collecting trash for the back of a truck.

The ad ends with this line:

Guess who's going to pay off President Bush's \$1 trillion deficit?

That is the controversial ad. The ad that CBS doesn't want America to see, which those who are following this debate can go to MoveOn.org/cbs/ad and see this "dangerous," "controversial" ad that crosses the line, an ad which CBS is going to protect the American people from even getting a chance to see. These are some of the still photos from that ad showing kids in working situations, and closing with one short tag line:

Guess who's going to pay off President Bush's \$1 trillion deficit?

CBS is afraid of this ad. They are afraid if the American people see it, they would be so caught up in the controversy of this ad, it would just be unfair.

Is it controversial? Is this ad too hot for network TV? Would America be traumatized and changed forever viewing this dangerous, controversial, 30-second ad? Well, clearly not. This ad makes two factual assertions every American knows to be true. First, it says we are facing a growing national debt, a debt exceeding \$1 trillion, which has to be paid off by future generations. Guess what. Those future gen-

erations are going to be comprised of our children.

Second, in those few words at the close of the ad, it says President Bush and his administration have to accept responsibility for creating this debt—a fact President Bush's own budget documents readily admit, a fact substantiated by President Bush's programs of tax cuts for the wealthy. Everybody with even a short-term memory recalls that only a few years ago we were dealing with a budgetary surplus under the Clinton administration. Now we are deep in historic debt year after year after year during the Bush administration. To argue the Bush administration's hands are clean when it comes to America's debt defies common sense and history. So what is so controversial about these unambiguous facts that our children will be inheriting a large national deficit created since the time President George W. Bush took office? Since when has stating the truth—and obvious truth at that—turned out to be too controversial for America to witness?

Think about it for a moment. CBS was the network, 30 years ago, that dared to put on a sitcom called "All in the Family." In that sitcom about a blue-collar, opinionated, rough-talking guy named Archie Bunker, we heard the reality of a family saying some things which, frankly, we had never heard before on television. Can you imagine if these timid souls running from controversy at CBS today were asked to look at a pilot for a sitcom with Archie Bunker? Frankly, I guess they would force Archie Bunker to wear a suit and tie and call Meathead his beloved son-in-law. Otherwise, it just might be too controversial, too risky for the American people.

Maybe controversy is in the eye of the beholder, and the eye of CBS now runs from controversy. Or maybe there is another dynamic at work. Maybe network executives at CBS are so afraid of political pressure from the rightwing and their business advertisers who are in league with the rightwing politics of America that they are afraid to put anything on the air that might in fact make things uncomfortable. If that is the case, it is time for CBS to announce the name of their network is the "conservative broadcasting system" and come clean with American viewers.

Look at the record, though. CBS has run controversial ads, many of which were good for America to see. Ads sponsored by the White House Drug Control Policy Agency confronted a tough issue, maybe in controversial terms to some, but ads that were important. The White House Drug Policy ad that ran during last year's Super Bowl accused American drug companies of directly supporting international terrorism that led to the taking of lives of American citizens. Risky, edgy, controversial? Yes. Did we have a right to see that as Americans? You bet we did.

Why was CBS ready to run those ads a year ago, but won't let MoveOn.org address the issue of the debt of America that will be borne by our children? CBS also runs ads by tobacco companies and antismoking groups to advocate viewpoints on health. In fact, they are scheduled to run during the Super Bowl—ads from two different groups, which are the American Legacy Foundation and Phillip Morris, which are basically antismoking ads. I fully support these ads. Some may view them as controversial. But so what. If these airwaves are truly the realm of the public to learn, why do we run away from a controversial ad even if it relates to a public health policy some disagree with?

CBS also routinely runs a whole range of controversial, if not downright offensive, ads during the Super Bowl. We have seen that CBS has no qualms about running ads featuring comely young women mud wrestling while a couple of beer-drinking fellows look on. Controversial? Perhaps to some, but they will run those ads. It appears CBS executives consider it important to run not one, two, but three separate ads promoting drugs for sexual dysfunction during the Super Bowl. They believe in a national debate on such sexual problems is more important to the public interest than a discussion about the future of this Nation. In the CBS eye, sexual dysfunction is a topic families with children can watch. But budgetary dysfunction, which our children will pay for, is just too controversial, too hot to handle.

So how does CBS define controversial content? Let's take a look at what goes into their thinking. Remember the series on President Ronald Reagan? The CBS executives did a complete reversal overnight and pulled the plug on the miniseries, "The Reagans," after spending millions of dollars producing it. We learned that the decision was made after conservative Republicans barraged the boardroom and executives and said we cannot run this, even though we have not seen it. In fact, CBS caved in, without the public ever having seen one single episode.

These are the same executives at CBS, incidentally, who, during 1999 and 2000 gave 98 percent of their soft money political contributions to the Republican Party. They decided this MoveOn.org ad, which just might raise a question about President Bush's policies leading this Nation, and the deficit and debt our children face, those same CBS executives said we don't think we ought to step into this controversial area.

The major pharmaceutical companies, which will be running ads on three different sexual dysfunction drugs during the Super Bowl, have also been consistently placed among the five top spenders on lobbying the Republican Congress and in soft money and PAC contributions to Republican candidates.

Now let's connect all the dots because there is something more direct

and topical behind this CBS decision, from my point of view. These are the same executives at CBS who successfully lobbied this Congress to change the FCC rules on TV station ownership to their corporate advantage. The provision that was sneaked into the Omnibus appropriation bill that passed last week and has been signed by the President. It establishes a new ceiling of 39 percent as the maximum percentage of American TV viewers in a market that may be reached by TV stations owned by any one company. Remember that number, 39 percent.

Before the FCC adopted rules in June to raise the cap to 45 percent, the cap was limited to 35 percent. Upset at what the FCC had done, a strong majority in the House and Senate agreed to roll back the FCC rule and take it back down to 35 percent. Why is this important? The White House and the Republicans in this conference on this Omnibus appropriation bill, with no Democrats present, came up with a figure of 39 percent as the new cap—39 percent. What is so magic about 39 percent? Allow me to explain. This wasn't chosen at random; it wasn't a good-faith compromise. No, it just so happens that Viacom, which owns CBS, currently owns stations reaching 38.8 percent of American households, and Rupert Murdoch's news corporation, the owners of that "fair and balanced" Fox Network, owns stations reaching 37.8 percent.

Interesting. Interesting that the White House and Republican leaders in Congress pushed a provision in a spending bill in the dark of night, without Democrats present, that benefited two corporations when it came to their ownership of television stations—Fox, which is a wholly owned subsidiary of the Republican Party, and now Viacom, CBS. Both entities currently violate the old FCC limitation. They needed this new language. They would have been forced to sell off stations if their Republican friends in Congress and the White House had not come through for them.

So the White House and the congressional Republicans give CBS a significant corporate favor and CBS rewards them by killing an ad critical of the Bush White House during the Super Bowl. Doesn't that sound like a perfect subject for a "60 Minutes" investigation? Oh, I forget. "60 Minutes" is a CBS program. I don't think we are going to hear about this on "60 Minutes." I don't think Mike Wallace and Lesley Stahl are going to be taking an undercover camera into the boardrooms of CBS to find out what is going on there.

Listen to what our colleague, Senator JOHN McCAIN of Arizona, said about this provision that was sneaked into this bill at the last minute to benefit Viacom and CBS, the biggest corporate favor they could ever ask for. I am quoting my colleague, Senator JOHN McCAIN, who said on the floor:

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—

And this is JOHN McCAIN speaking—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 down 55 to 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.

In the words of Senator McCAIN:

Remarkable.

It is clear from the examples, such as the rejection of MoveOn.org's ad, that CBS and other media companies are dominant in a marketplace that exercises vast influence over what the American people can see on television. This is exhibit A in the case against media concentration.

Too much power has been given to media executives who now are going to pick and choose and censor the content of political material which we as Americans can see. They can decide on one hand that their friends will be favored with ads and then reject ads critical of their political friends as just too controversial for America to witness.

That is exactly what they have done on this MoveOn.org ad. CBS is able to reject MoveOn.org and anyone else whose views they disagree with because the executives know there are thousands of other companies standing in line ready to pay for ads during the Super Bowl.

It all comes down to this: Through years of deregulation, we have created a situation in America where massive media conglomerates, such as CBS, are operating without any effective oversight and with little or no feeling of responsibility to the public.

It used to be people remembered that the airwaves these TV stations use don't belong to these TV stations, they don't belong to the media giants, such as Viacom, they don't belong to CBS. They belong to you, me, and every American. We allow these companies to use the airwaves, and they make a fortune. We licensed them for that purpose. We used to say, before the Reagan administration changed the law: If you are going to use America's airwaves, you have to be fair in the use of the airwaves. The fairness doctrine was thrown out. Now the only standard is that they only have to serve the public interest.

It is such a vague term, "serve the public interest," that CBS, undoubtedly, can get by with rejecting ads for political reasons, such as their rejection of this MoveOn.org ad. But if the public interest standard is to mean anything, it must require broadcast licensees to air diverse points of view on issues of national interest.

It is all right for me as an American to watch something on television with which, frankly, I disagree. Maybe I want to pick up the phone and call the

station manager or register my complaint with one group or the other. Isn't that what free speech in America is all about? Not from CBS's point of view. From the CBS point of view, they will pick and choose what you can watch. Ads for beer with young folks doing things which maybe you don't want your children to see—not controversial. Ads by pharmaceutical companies for sexual dysfunction drugs you may not want your children to watch—not controversial. But an ad which says that our children are going to pay off a \$1 trillion national debt created by this administration—over the line, way too scandalous, way too controversial. Children and good American families should not be subjected to that, in the eyes of CBS. I certainly disagree.

Broadcasters and executives running broadcast stations should remember that, first and foremost, they are journalists. They have a responsibility to the American people to speak the truth, to give us the information and let us decide. They have a professional and ethical obligation to be fair and balanced, even if it means they have to set aside their own political views and prejudices and perhaps—perhaps—just once in a while, step on the toes of their political allies and friends, even the ones who just handsomely rewarded them with the provision in the recent appropriations bill.

While broadcasters may wish to exercise their discretion in selecting ads that would run afoul of a community's decency standards, broadcasters should not and must not become censors of content. That is the fundamental promise of the first amendment. It is wrong for the Government to censor content. It is wrong for corporate stewards of our public airwaves to do so.

If you believe, after watching this ad by MoveOn.org, that CBS was wrong, that CBS should have allowed this ad, which shows children at work and says, in its closing frame, "Guess who's going to pay off President Bush's \$1 trillion deficit?"—if you think CBS made a mistake, you have a right, as an American, to contact them. You can write to them at: CBS Television Network, 51 West 52nd Street, New York, NY, 10019, or you can call them: (212) 975-4321. Ask to talk to the corporate executive who decided this ad was too controversial for your family to see. Make certain they understand, as I feel and hope you feel, that America is ready for an ad which tells the truth, an ad which may be controversial in the eyes of one political party but certainly deserves to be aired so the public can finally decide what is right and what is wrong.

I hope the American people will not sit idly by and watch as these media giants, such as CBS, become bigger, more powerful, and decide just exactly what we as Americans will get to see on TV.

I urge everyone watching to call CBS and remind the executive that you, the American people, are the owners of the American public airwaves.

For CBS, let me say this: The CBS eye has been closed to truth, closed to fairness, closed to presenting the facts honestly to the American people. CBS has a great legacy. It is a storied name when it comes to public information in America. This chapter is sad and disgraceful.

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

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

AMENDMENT NO. 2261, AS MODIFIED, TO
AMENDMENT NO. 2233

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Kyl amendment be temporarily set aside and, further, that the Senate now proceed to the consideration of amendment No. 2261, as modified, which is at the desk. I further ask consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

Mr. REID. No objection.

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

The amendment (No. 2261), as modified, was agreed to, as follows:

(Purpose: To extend transfers of excess pension assets to retiree health accounts, and for other purposes)

At the appropriate place add:

SEC. ____ . EXTENSION OF TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 (relating to expiration) is amended by striking “December 31, 2005” and inserting “December 31, 2013”.

(b) AMENDMENTS OF ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

(3) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(3)) is amended—

(A) by striking “January 1, 2006” and inserting “January 1, 2014”, and

(B) by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

SEC. ____ . CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 501(c)(15)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) Insurance companies (as defined in section 816(a)) other than life (including interinsurers and reciprocal underwriters) if—

“(i) the gross receipts for the taxable year do not exceed \$600,000, and

“(ii) more than 50 percent of such gross receipts consist of premiums.”.

(b) CONTROLLED GROUP RULE.—Section 501(c)(15)(C) of the Internal Revenue Code of

1986 is amended by inserting “, except that in applying section 1563 for purposes of section 831(b)(2)(B)(ii), subparagraphs (B) and (C) of section 1563(b)(2) shall be disregarded” before the period at the end.

(c) CONFORMING AMENDMENT.—Clause (i) of section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “exceed \$350,000 but”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. ____ . DEFINITION OF INSURANCE COMPANY FOR SECTION 831.

(a) IN GENERAL.—Section 831 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) INSURANCE COMPANY DEFINED.—For purposes of this section, the term ‘insurance company’ has the meaning given to such term by section 816(a).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. ____ .

On page 12, line 5, before “or” insert “or the mining or processing of iron ore or beneficiated iron ore products,”.

On page 16, line 18, before “or” insert “or the mining or processing of iron ore or beneficiated iron ore products,”.

SEC. ____ . FUNDS FOR REBUILDING FISH STOCKS.

Section 105 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of the Consolidated Appropriations Act, 2004) is repealed.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the pension rate bill tomorrow, there be 30 minutes of debate equally divided between the chairman and ranking member or their designees, with an additional 10 minutes under the control of Senator KYL. I further ask consent that following the use or yielding back of the time, the Senate proceed to a vote in relationship to the Kyl amendment No. 2236; provided further, that following the disposition of the Kyl amendment, the Senate then proceed to a vote on the adoption of the Grassley amendment No. 2233, with no intervening action or debate. Finally, I ask consent that following the disposition of that amendment, the bill be read a third time and the Senate proceed to a vote on passage of the bill, again, with no intervening action or debate.

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

Mr. REID. Mr. President, if my friend from Iowa will yield, I express my appreciation for the Senate and the staff, to the leader for getting us out of here as early as possible. The weather is treacherous. There was a meeting at the White House that prevented us from getting out earlier. For everyone, I express my appreciation to the leader for adjourning at this time.

Senator INHOFE and I just finished a very constructive conversation. I have spoken to Senator JEFFORDS and to Senator BOND. We feel very good about moving forward on the highway bill next week. I know the chairman of the Finance Committee is here. They are going to meet on Monday to work on a

provision on taxes. We can't do the bill unless they do that. I have spoken to the Senators from Alabama and Maryland, Senator SARBANES and Senator SHELBY. They are going to mark their provision up on Tuesday as it deals with mass transit.

I hope this most important bill, creating hundreds of thousands, if not millions, of jobs over the next 5 years can be completed before we go for our break in the middle of February.

Mr. GRASSLEY. Mr. President, I associate myself with the remarks the distinguished assistant Democratic leader just made about the highway bill. It is one of the most important jobs bills we can have before the Senate this year. It should have been done last year. We couldn't get it done. But we can do that now and the Senate is committed to that. I think the leadership in the House is committed to it. Obviously, we need to get it done.

I thank the Senator from Nevada.

MOULIN ROUGE HOTEL AND CASINO

Mr. REID. Mr. President, March 24, 1955, was a significant date in the history of Las Vegas. That date marked the opening of Nevada's first racially integrated hotel—the Moulin Rouge Hotel and Casino.

At that time, the city of Las Vegas was already earning international recognition as an entertainment and resort mecca. However, black entertainers performing in Las Vegas were not allowed to stay in the hotels where they performed, nor were they allowed to enter the casinos or restaurants on the Las Vegas Strip. Instead, entertainers such as Sammy Davis Jr., Nat “King” Cole, and Lena Horne were forced to seek accommodations in local boarding houses.

The Moulin Rouge changed all that. When the Moulin Rouge opened, it immediately became the night spot for top stars such as Davis, Harry Belafonte, and Frank Sinatra. They were joined by Ella Fitzgerald, Lionel Hampton, Count Basie, Bob Hope, Tallulah Bankhead, Louis Armstrong, and many more.

When shows on the Strip ended, entertainers and their followers flocked to the Moulin Rouge where they would continue performing into the wee hours of the morning.

The hotel became home to black entertainers headlining on the Strip, and a venue where they performed, alongside their white peers, to audiences of all races.

The Moulin Rouge closed in October of 1955, just 6 months after its celebrated opening. However, its impact lived on. Other Las Vegas hotels began their own efforts at desegregation. And when the civil rights movement reached full swing in early 1960, the old Moulin Rouge became the site of an historic meeting between Governor Grant Sawyer, leaders in the African-American community, and Las Vegas

hotel operators. The meeting resulted in an agreement by resort operators to end their segregation practices, and to make their casinos, restaurants, and hotel rooms accessible to all people regardless of race.

The "Moulin Rouge Agreement" made national news, and the building has since been listed on the National Register of Historic Places. It is a living symbol and tribute to the struggle for equality and civil rights. Over the years, a number of owners tried to bring the Moulin Rouge back as a viable resort, but none was ultimately successful. Then, last year, a tragedy occurred. On May 29, 2003, one day before a new owner was scheduled to take over the property, an arsonist's fire ravaged the casino. The three-alarm blaze destroyed many irreplaceable historic photos and relics, including the famous Moulin Rouge wall mural and its unique mahogany bar.

Miraculously, the entire front facade and the historic Moulin Rouge neon sign survived the fire, along with the original tile-covered columns and the signature tower. These structures, along with the original hotel building which also survived, will provide the foundation from which a new Moulin Rouge will rise.

This year marks the 40th anniversary of the landmark Civil Rights Act of 1964, so it seems fitting to announce that the Moulin Rouge, a symbol of civil rights change in Las Vegas, will rise from the ashes.

The Moulin Rouge Development Corporation, which was stymied in its efforts to purchase the hotel by the tragic fire, will soon finalize purchase of the property. This Thursday, January 29, the company will publicly announce its plans for the new Moulin Rouge.

These plans call for restoration of the original facade and the original hotel, along with construction of a new hotel, casino, and shopping mall. This new facility will include museum exhibits, provided by the Moulin Rouge Museum and Cultural Center, that celebrate the history of the property and the achievements of minority leaders, entertainers, and other pioneers of the civil rights era.

I congratulate Dale Scott, Rod Bickerstaff, Chauncey Moore, and other officials of the Moulin Rouge Development Corporation for their vision and hard work in bringing forth this proposal.

It has been a long road. But those of us who love history are delighted that the Moulin Rouge will be saved, and that its famous neon sign will shine once again. It will serve as a reminder of how far we have come, and how much remains to be done.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER TWO BRIAN D.
HAZELGROVE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a

brave young man from Edinburg, IN. CWO2 Brian D. Hazelgrove, 29 years old, died outside of Mosul, Iraq, on January 23, 2004, after his Kiowa Warrior helicopter crashed while returning from a combat mission. Brian joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Brian was the 24th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Brian leaves behind his father, Ron; his wife, Kimmi; his half brother, Brad; and his children, Taylor, Zachary, Brandon, and Katelyn. May Brian's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Brian's family, his friends, and the entire Edinburg community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Brian, a memory that will burn brightly during these continuing days of conflict and grief.

Brian graduated from Edinburg High School in 1994, where he played on the basketball team. Friends and family members remember Brian for the love he shared with his entire family, his energetic personality and his un-failing sense of humor. His half brother Brad spoke for all who were blessed to have known Brian when describing him to the Indianapolis Star as "just a joy . . . the guy was amazing."

After joining the Army in 1994, Brian began his military career in intelligence. He later became a helicopter pilot, serving with the 3rd Squadron, 17th Air Cavalry Regiment from the 10th Mountain Division at Fort Drum, NY. Prior to Brian's service in Operation Iraqi Freedom, he also served two tours of duty in South Korea. He was deployed to the Middle East in November.

As I search for words to do justice in honoring Brian's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brian's actions will live on far long than any record of these words.

It is my sad duty to enter the name of Brian D. Hazelgrove in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just

cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brian's can find comfort in the words of the prophet Isaiah who said:

He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God bless us all.

TRIBUTE TO SGM PHILIP ALBERT

Mr. DODD. Mr. President, I rise in tribute to U.S. Army SGM Philip Robert Albert, of Plymouth, CT, who lost his life on duty in Afghanistan on November 23, 2003. He was 41 years old.

Sergeant Major Albert, a member of the 2nd Battalion of the 87th Infantry Regiment, 10th Mountain Division, was killed along with four other soldiers in a helicopter crash in northeastern Afghanistan. His service to his country will not be forgotten.

Philip Albert was a career military man. He enlisted in the Army after graduating high school at 18 years of age, and he never looked back. He fought in the first gulf war in 1991 and was serving his second tour of duty in Afghanistan. Sergeant Major Albert was on the front lines in the war on terror, searching the mountains of Afghanistan for members of al-Qaida and the Taliban, protecting coalition forces as well as the Afghan people.

Like so many of the men and women who serve in our Armed Forces, Philip Albert didn't consider himself a hero. For him, putting his life on the line for his country was simply part of his job—a job he did with dignity, courage, and honor.

Sergeant Major Albert's devotion to his country was matched only by his love for his family. The youngest of 8 siblings, he enjoyed the company of his brothers and sisters, and he was especially fond of the time he spent with his many nieces and nephews.

In recent years, Sergeant Major Albert had spoken with his family and friends about the possibility of retiring from the Army. But it was difficult for an individual like Philip Albert to walk away from the job he loved. After he witnessed the horrific attacks of September 11, he must have decided that America could use his experience, his dedication, and his service. Because once again, when his country called on him, Philip Albert answered the call.

Philip Albert perished just a few days before Thanksgiving. The Thanksgiving holiday will obviously have a very different meaning for his family and friends for many, many years to come. But I would like them to know that each and every one of us in the Senate—and indeed every single American—owes a tremendous debt of thanks to Philip Albert.

It is people like Sergeant Major Albert who make it possible for us to live each and every day in freedom, peace, and security. It is their sacrifices, in lands thousands of miles away, that keep us safe here at home. We must

never forget those sacrifices—especially those of people like Philip Albert who have left us with a debt we can never repay.

I offer my deepest sympathies to Philip Albert's family, and to everyone who knew and loved him.

IN MEMORY OF PFC JEFFREY BRAUN

Mr. President, I also rise to speak in memory of PFC Jeffrey Braun, of Stafford, CT, who was killed in Iraq on December 11, 2003. He was 19 years old.

Private Braun was truly an inspiration to everyone who knew him. He joined the Army shortly after the attacks of September 11, motivated by a desire to be part of the global campaign to rid the world of terror. After completing his senior year at Stafford High School in 2002, he became a paratrooper in the 82nd Airborne Division.

Jeff Braun's heroic sacrifice in Iraq will never be forgotten. But in the words of a friend, Adrian Scarpa, "He was a hero even before he went over."

No matter what he did, Jeff Braun was always striving to be part of something greater than himself. At Stafford High School, wherever you looked, you could find Jeff Braun. He played soccer, wrestled, and ran track. He sang, acted in school plays, and was active in local community service projects.

Jeff's friends and family members knew him as a young man who always had a kind word, a smile, and an outgoing and infectious sense of humor. He would make friends with classmates who were lonely. He would give away his own lunch to students who didn't have any.

Jeff Braun was a fascinating person, and he had a fascinating life story. He was born in the village of San Pedro Sula in Honduras. When he was 6 months old, he was adopted by Meredith and William Braun, who brought him to Stafford. He came to love his adopted country so much that he joined its armed forces. But he also shared a deep and meaningful connection with his homeland. Even while in Iraq, Jeff was actively pursuing his dream of building an orphanage in his native Honduras. It's a dream that Jeff's parents have said they will strive to make a reality.

Jeff didn't have to enlist in the military. But with his enthusiasm, his generosity, his spirit, and his character, he simply couldn't stay on the sidelines and watch as his fellow countrymen fought overseas in defense of freedom. Jeff saw a job that needed to be done—and he knew that he had to be a part of it.

I join the town of Stafford, the State of Connecticut, and the entire United States Senate in mourning the loss of Private Jeffrey Braun, a truly remarkable individual who was taken from us far, far too soon.

I offer my deepest sympathies to Jeff's parents William and Meredith, to his sister Julie, his entire family, and the many, many people whose lives were touched by Jeff Braun.

OMNIBUS APPROPRIATIONS

Mr. LEAHY. Mr. President, I see my good friend from Kentucky on the floor, and I want to take this moment to clarify a couple of funding issues in the Foreign Operations portion of the Omnibus Appropriations bill.

I notice that the conference report is silent on the issue of funding for Laos. Is it the chairman's intention that the administration should implement the language contained in the Senate Foreign Operations Appropriations Report, 108-106?

Mr. MCCONNELL. I thank the Senator from Vermont. Before I respond, I was wondering if he could take a moment to read the Senate report language for the benefit of our colleagues.

Mr. LEAHY. I would be happy to. It reads:

The Committee recommends that USAID provide \$2,000,000 in Child Survival and Health Programs Fund and Development Assistance to Laos—one of the world's poorest and most repressive countries—through non-governmental organizations. The Committee intends that these funds will not be used to offset or substitute INL funding that would otherwise go to Laos.

The Committee is concerned by the actions of the regime in Laos, which continues to be responsible for serious human rights abuses. The Committee is also concerned by the recent detention and trial of an American citizen and two foreign journalists in Laos. While the Committee is pleased that these individuals have recently been released, it is deeply troubled that the fate of four Laotian citizens accompanying the journalists is still unknown.

Mr. MCCONNELL. As I know my friend from Vermont is particularly interested in this issue, it would be both accurate and fair to say that it is our collective intention that this language be implemented.

Mr. LEAHY. I am pleased we are in agreement. As I know of your strong interest in the region, I hope we can continue to work together to support United States funded programs through Southeast Asia.

Mr. MCCONNELL. I look forward to our continued cooperation, and urge the State Department and USAID to meet with our respective staffs to discuss countries of particular concern, including Laos, Vietnam, Cambodia, Thailand, and Burma.

Mr. LEAHY. On the issue of Burmese refugees along the Thailand-Burma border, is it the chairman's expectation that funds from the ERMA account should be used to provide funding for these refugees?

Mr. MCCONNELL. Yes, it is. The situation on the Burma-Thailand border is disturbing, and if sufficient funds cannot be found from the MRA budget then the administration should consider using ERMA funds to ameliorate this situation.

Mr. LEAHY. I thank the Chairman.

BLACK ON BLACK CRIME PREVENTION MONTH

Mr. PRYOR. Mr. President, 1 year ago this month, a powerful new force

joined together and it has since swept through the neighborhoods in Arkansas. Its members said enough to the homicides plaguing our streets, enough to the violence in our schools and homes and enough to standing by to watch our communities crumble.

Members of the community saw that although African Americans comprised 12 percent of the national population, a staggering 45 percent of all murder victims in 2002 were black. A resounding 91 percent of those murders were incidents of black on black crime.

Homicide was and is still literally tearing apart African-American families, serving as the leading cause of death for black men ages 15 to 24, and the second leading cause of death for black women of the same age group. Black-on-black crime remains an epidemic, having a devastating impact on our families and ultimately compromising the safety and quality of life in my great State of Arkansas.

One year ago this month, community leaders, faith leaders, government officials, community organizations, and businesses did more than just say enough is enough. They formed the Black on Black Crime Coalition to inform and educate the citizens of Little Rock about black-on-black crime, but also to implement programs and initiatives to reduce homicides, reduce violent crimes and take back their streets and neighborhoods.

I am proud to be a partner of this coalition, to join with coalition members and its wide array of partners and raise public awareness about black-on-black crime. The coalition has spent its first year creating and supporting intervention and mentoring programs, conducting workshops for community organizations, supporting neighborhood associations, implementing youth programs and lobbying elected officials to implement policies for effective change. The coalition is working through the statistics, trying to understand the systemic causes, determining the solutions and reversing this epidemic that is stealing away our future leaders.

This January, in Arkansas, we celebrate Black on Black Crime Prevention Month. The coalition has organized a month filled with ceremonies, roundtable discussions, town meetings, and prayer to help meet its mission. By all means, these efforts are contributing to a better understanding of the challenges that Arkansas' black communities face each and every day, but we are also learning and implementing strategies to beat back and overcome these challenges.

As the former attorney general of my State, I have worked closely with law enforcement officers and the community to make Arkansas a safer place to live and raise a family. As a Senator, I have continued to fight for legislation, programs, technology and budgets to accomplish this goal. And I pledge to continue this commitment.

It is a tremendous responsibility that the Black on Black Crime Coalition

has accepted. I commend the members of this coalition for their dedication and teamwork, and congratulate them for several meaningful and successful events during this year's Black on Black Crime Prevention Month and for their unyielding efforts throughout the year.

ISRAEL'S DESIGNATION OF JANUARY 27, 2004 AS "NATIONAL DAY TO COMBAT ANTI-SEMITISM"

Mr. LEVIN. Mr. President, today, people in Israel and around the world are joining in solidarity to commemorate January 27, 2004, as a "National Day to Combat Anti-Semitism." At a time when many Jewish communities are facing a rising tide of anti-Semitism, it is important that all people of goodwill work together to educate and fight anti-Semitism. This insidious form of hatred has lingered in this world for so long that it has been dubbed "the longest hatred."

Today marks the 64th anniversary of the liberation of Auschwitz. While six decades have passed since the genocidal regime of Adolf Hitler fell, the urgency of combating anti-Semitism has never ceased. In the past year, numerous anti-Semitic acts have occurred across the world. In many European countries, including several countries that are amongst our closest allies, the frequency of anti-Semitic attacks are increasing. Jewish cemeteries, schools, synagogues, and individuals have been the center of an increasing number of violent incidents.

These targets have essentially remained the same over the millennia. Such attacks seek to intimidate and threaten individuals and desecrate institutions. We face an increasing array of groups who would perpetrate these acts.

In November 2003, people across the world were horrified when suicide bombers targeted two synagogues in Istanbul, Turkey. At least 25 people were killed and almost 300 people, both Jewish and Muslim, were wounded. One of the synagogues was Neve Shalom, the center of Turkey's Jewish community. This crowded congregation was celebrating a young boy's Bar Mitzvah at the time of the bombing. This attack was, without question, a specific and politically charged choice, given Turkey's close ties with Israel, the United States and NATO as well as its commitment to democracy.

Another widely reported anti-Semitic act came a month earlier when former Malaysian Prime Minister Mahatir Muhammed stated that, "The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them." That a leader would make allusions to a worldwide Jewish conspiracy, one of the foremost claims of anti-Semitic hatred, is particularly appalling. It is unconscionable to think that a longtime leader of a sovereign nation would fan the flames of hatred and recrimination against people of the Jewish faith. It is

more disconcerting that 57 leaders of the countries in the Islamic conference stood and applauded his speech. Mahatir's rhetoric was both ignorant and dangerous.

Even while these two events splashed the front pages of newspapers worldwide, numerous other incidents that hardly received notice caused irreversible damage all the same.

During an exhibit held in Australia last month called "Courage to Care," two extremist groups sprayed a museum with anti-Semitic and racist slogans and covered it with swastikas. This was an exhibit that commemorated Australian survivors of the Holocaust. The criminals also left papers at the scene that portrayed a skull and crossbones and said, "Death to Israel."

In an attack in a suburb of Paris that coincided with the synagogue bombings in Turkey, a Jewish school was set on fire. Just a month earlier in Paris, a rabbi was verbally and physically attacked on his way to synagogue. In October, tombstones in a Jewish cemetery east of Berlin, Germany, were defaced by vandals who painted swastikas and anti-Semitic statements such as "you got what you deserved," and "Heil Hitler."

The United States has not been free from such attacks, either. Earlier this year, a Holocaust Museum in Terre Haute, IN, was destroyed by arson, with only the words "Remember Timmy McVeigh," left behind.

In April 2002, I joined with 99 of my colleagues in sending a letter to President Bush that requested that he and his administration "make every effort possible to raise, at the highest level, our concerns about anti-Semitic acts in Europe and anti-Semitic portrayals in the Arab media."

I was heartened by German Foreign Minister Joschka Fischer's statement at a conference on anti-Semitism last fall that, we are firmly committed to countering every kind of anti-Semitism, every kind of racism and xenophobia." In addition, French Prime Minister Chirac announced that "attacking a Jew in France is an attack on all of France." Such remarks fully acknowledge the threat posed by anti-Semitism. Anti-Semitism is not merely the enemy of Jews. It is the enemy of tolerance, freedom and openness; the very core values of all democracies.

Attacks on one religion, race or ethnicity threaten all of us. We have learned that when hatred is allowed to fester and grow, it can spread with a frightening degree of rapidity and virulence. It is imperative that the global community work to address not only the continuing prevalence of anti-Semitism, but also hatred against all religious and ethnic minorities.

I hope all my colleagues will join with me in commemorating Israel's "National Day To Combat Anti-Semitism," and in rededicating their commitment to fight hatred wherever it may be found.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO HOSKINS COIN AND JEWELRY

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. and Mrs. Charles and Doris Hoskins of Paducah, KY on their dedication and entrepreneurial spirit in their 50th year of business at Hoskins Coin and Jewelry, Inc.

Mr. and Mrs. Hoskins opened business together in 1953, selling mostly furniture in downtown Paducah, KY. Mr. Hoskins, building on his military service in World War II, joined the Paducah police force and served for the next 16 years. Meanwhile, Mrs. Hoskins ran their small business and kept its books.

Over the last few decades, their business has flourished and evolved. This small family business looked for opportunities to expand—moving to a larger location down Third Street. Following the passions of Mr. and Mrs. Hoskins, the store started to buy and sell coins, estate jewelry and eventually began to offer a full line of retail jewelry.

Hoskins Coin and Jewelry, Inc. is now a staple of downtown Paducah. Their children, Ronnie and Linda Hoskins Duff, work alongside their parents who have even found room for grandson Brent Hoskins to work part-time. Local residents walk into this families store looking for a special gift, to learn about the latest coin they have found or just to talk about the community. This small family business is a shining example of one of the many small businesses that form the local economic foundations in Kentucky.

Thank you, Charles and Doris, for your commitment to the city of Paducah and your entrepreneurial spirit. I have sincere appreciation for your work. I wish you and your family continued success and happiness. •

TRIBUTE TO THE SPIRIT OF IDAHO AWARD RECIPIENTS

• Mr. CRAPO. Mr. President, today I honor over 158 individuals and organizations working every day to make Idaho a great place to live. I'm talking about the recipients of the Spirit of Idaho Award. I created this award almost 3 years ago to recognize and bring attention to the many deeds of service that happen in local Idaho communities that are not always recognized by the media or the general public. Recipients of this award improve lives every day with their selfless giving and shining examples. I would like to take a moment today and recognize each of these outstanding individuals.

Kamrud Jacobson delivers newspapers in Twin Falls. While completing his route one day, Kamrud noticed unusual smoke coming from the chimney of a nearby house. He quickly asked a neighbor to call 911. The Fire Department responded and put out a growing house fire. Kamrud's vigilant actions effectively saved the house from burning to the ground. Kamrud's efforts embody the qualities of service and

selflessness the Spirit of Idaho award hopes to recognize.

Alex and Jay Phelps are truly life-savers for one woman. The two, who deliver newspapers in Twin Falls, noticed several newspapers piling up at a particular house on their route. Concerned by this development, the boys explained the situation to their mother, who then contacted authorities. The boys were right to be concerned; the resident of the house had had a stroke and was in need of medical care. As a result of the efforts of these two boys, the resident was rescued and received medical care.

Ten members of the Wood River Winter Recreation Coalition in Sun Valley worked together for hundreds of hours on a volunteer basis to offer a community-based, historic recreation agreement that will be implemented in the Sawtooth National Forest. The members crafted what is often extremely difficult to create: a collaborative solution to a perplexing problem. Both user groups and our forest are the beneficiaries of the Coalition's outstanding work.

Barbara Dehl of Nampa authored and lobbied the Idaho State Legislature and the U.S. Congress for passage of "Cassie's Law," a law intended to prevent abusive dating relationships, as well as assist victims of such abuse. Ms. Dehl courageously battled for this legislation at both the State and Federal level after the tragic death of her daughter Cassie in December of 1999. She has been the catalyst behind important progress in the fight against violence.

Idaho Working Partners, through Janet Miller their State Chairwoman, are models of community service, assisting numerous organizations in and around Boise. The Salvation Army, the Hope House, and the Booth Family Center, to name a few, have all been helped. Food drives, donations for flood ravaged areas, and Christmas projects for the needy have been just a few of the outstanding projects engaged in by Idaho Working Partners. They are to be commended for their efforts.

Dr. Dan Prinzing, Social Studies and Curricular Materials Coordinator for Idaho's State Department of Education and a former teacher for the Boise School District, is Idaho's first contact for projects, scholarships, and special programs in areas of civics, U.S. history and government, economics, and responsible citizenship. Dr. Prinzing is also an advocate for the need to improve international education for Idaho's students, and works closely with a variety of civic organizations to promote student involvement in programs focusing on an understanding of the U.S. Constitution and state and federal laws.

Jackie Phelps has been an exemplary volunteer with Meals on Wheels in Boise. For many years, she has delivered meals to shut-in seniors who aren't able to pick-up or prepare meals themselves. Jackie has benefited many

in need through her constant, dedicated service. I commend her for her caring.

Gail Chumbley and her students at Eagle High School in Boise have worked diligently to honor Idaho veterans. Ms. Chumbley has spearheaded a local effort to document the personal histories of a number of Idaho veterans through classroom assignments where students interview veterans. Her work has earned the notice of the VFW and the Idaho State Historical Society Library and Archives, among others. Chumbley and her students also conducted a drive to raise money for the national World War II veteran's memorial to be built on the Capitol Mall in Washington, DC. Through her work introducing so many Idaho veterans to Idaho school children, Gail Chumbley honors herself, her profession, and all of Idaho's veterans. In addition, her students have demonstrated a respect for past sacrifices and service, and in so doing have enriched their educational experience.

Students at Eagle High School in Boise went the extra mile to help the less fortunate during a recent Christmas season. The Salvation Army enlisted the help of local high schools during their Christmas food drive. Eagle High's generosity was clear as they took in the most poundage of all the local high schools. These students coupled their feelings of compassion with actions of kindness.

Kyle Enzler of Eagle completed a cross-country bicycle trip to raise money and awareness for needy children around the world. Enzler is the founder and organizer of Trek for Kids, the foundation behind his cross-country trek. His journey covered over 4,500 miles in 15 weeks, raising over \$1,000 for the cause. Kyle is a great example, choosing to make meaningful contributions in fighting the world's problems.

Sherrill and James Cooper of Lewiston are saints to numerous children they have taken in through over 30 years of caring for young people in need. Children have arrived at their house in Lewiston Orchards at all hours lonely, frightened, traumatized, angry, sometimes hurt and the Coopers have opened their doors and hearts. These wonderful people have also been recognized with the Angels in Adoption award for their work in this critical labor of love.

Blaine County Senior Center of Hailey was honored for the work of their senior citizens on behalf of KidShop, an after school program in the Blaine County School District. The seniors raised \$5,000 through the Festival of Trees to provide healthy snacks to the children. The endeavor was also very successful in bridging the generation gap and allowing "juniors and seniors" to get to know one another. Each of these seniors is to be commended for supporting this very important endeavor.

Pete Mecham of Idaho Falls received the Sammy Award. The Sammy Award

recognizes outstanding scholar athletes based on academic performance, athletic excellence, leadership, and community service. With over 19,000 applicants and just 25 recipients, Pete's award is quite an honor. His activities and honors, which are nearly too numerous to mention, include National Honor Society, High School Seminary President, Eagle Scout, numerous wrestling championships, and the U.S. Marine Corps Distinguished Athlete Award.

Pam Davison of Malad works for the USDA Rural Development office in Blackfoot and has spent many hours working with Southeast Idaho senior citizens to improve their homes under a Federal self-help program. Through the program and Pam's dedicated work, seniors have been able to winterize their homes and save money on energy bills. In times of tight budgets and rising energy prices, the help Pam has provided to our seniors is invaluable.

Jay Heuser of Preston has worked diligently in economic development for the city of Preston. His outstanding projects include a business incubator, new water tank, and city industrial park improvements. Jay has been a dedicated public servant, serving as mayor, and improving the lives of the residents of Preston.

Rosa Moosman of Montpelier is the editor and manager of The News Examiner. Rosa has reported on lumber and Forest Service issues in a professional and polished manner for the community. In a State with a large lumber industry, this reporting has been an invaluable public service. She has also been a great example for journalists statewide.

Jensen Lumber Company of Montpelier uses small-diameter timber in productive ways. A necessary component of healthy national forests is the thinning of these small trees, and Jensen Lumber has put these trees to good use. In doing so, they have made great economic contributions to the community.

Heritage Safe Company is a model to many businesses, and an economic force in the community of Grace. Heritage Safe started as a small business in a small town. However, it is quickly becoming one of the country's largest makers of gun safes. Heritage Safe Company is recognized for its economic contributions to the community.

After the terrorist attacks on September 11, 2001, Idaho Red Cross volunteers responded by the dozens. These selfless life-savers provide relief to victims of disasters and help people prevent, prepare for, and respond to emergencies. In times of need, these individuals have come forward to help. These volunteers included: Richard Kaylor, Mary Wolf, Cheryl Andrews, Glenda Loomis, Cindy Bahora, Allison Mallow, Marlene Bailey, Jim Manring, Marva Barnes, Brooks Mathern, Julie Benintendi, Gordon McAllister, Robert Bones, Carol McAllister, Steve Button,

Linda McGuire, Farrell Byington, Tempe McFarlane, Bonnie Capell, Joseph Morissette, Sherri Carpenter, Lynette Muson, Ben Cavaness, Roger Olson, David Chehey, Kathlene Parsons, Richard Cripe, Shirley Perkins, Frank Dalley, Ray Ragan, Julie Dillehay, Lorraine Roberts, Kathy Dutt, William Roberts, Germaine Eslinger, Carolyne Rucker, Lynn Farnworth, Susan Saldin, Sarah Farnworth, Kent Schaufelberger, Sean Farrell, Rick Sonnenberg, Gloria Fastabend, Cynthia Schulze, Richard Fesler, Barbara Stevens, Leslie Freeman, Joseph "Bill" Stevens, Jim Fulfer, Colleen Stevens, Michele Gamblin, James Stumpf, Rich Gorman, Jennifer Swanberg, Jeri Gowen, Donna Taylor, Gina Gridley, Jana Thomas, Jim Grigg, Terry Tippery, Oreanna Harless, Steve R. Tryk, Susan Hill, Barbara Webster, Allen Howard, Patsy Walton, Rick Huffard, Daniel Weigel, Ronald Jacques, Phillip White, Sharon Katz, Mimi Wise, Rich Kaylor, Stephanie Witt, Edward Kinghorn, Mary Wolf, and Daunna Kirkham of Boise, Nampa, Meridian, McCall, Arco, Lewiston, Idaho Falls, Eagle, Coeur d'Alene, Black Foot, Kimberly, Moscow, Rathdrum, Rexburg, and Terreton.

Mark Langlois, Robert Macfarlane, James Pollard, and David Larson of Idaho Falls are Idaho National Engineering and Environmental Laboratory engineers who assisted recovery efforts in New York, Pennsylvania, and Washington, DC, following the tragic events of September 11, 2001. At a time of great need and obvious peril, these selfless individuals rushed to help their countrymen.

Dan O'Brien, a name you may know for his Olympic competitions, has diligently served the cause of youth sports in Moscow. His dedication not only serves the youth of Moscow, but also the community as a whole. His hard work and dedication have been recognized on several fronts, receiving not only the Spirit of Idaho, but also the Sporting Goods Manufacturers Association Hero Award. I commend Dan on his outstanding efforts.

Students at Peregrine Elementary of Meridian were chosen by the Red Cross as winners of the "Your Coins Count" statewide campaign not once, but twice. The "Your Coins Count" campaign offers schools educational programs about Red Cross services and history, then asks students to collect spare change and donate the money to the Red Cross in support of local services like disaster relief. These students' shining example proves that each of us can make a difference in the lives of others.

The fight against child pornography needs more warriors like those at the FBI child pornography unit in Pocatello. This unit analyzes illegal computer traffic in order to find and prosecute those that are victimizing children. Each of our children are safer thanks to the work of these dedicated professionals.

Moscip Family and Bandana's Running and Walking Shop of New Plymouth have been pillars of support for young people wishing to participate in the local high school cross country and track programs. For the past three years these two groups have joined to provide affordable running shoes to local youth involved in the cross country and track programs at the New Plymouth High School. As a strong supporter of healthy living, I applaud the efforts of these two organizations.

Ana Marie Schachtell has served the cities of Nampa and Treasure Valley well, organizing the Fiesta Idaho events. This event helps groups with differing backgrounds to come together in a spirit of understanding and respect. Under Ana's leadership and vision the annual Fiesta Idaho celebration has blossomed into a major event celebrated each fall in several locations in and around Nampa.

Jim Olson and George Gorino are Boise American Legion members. In addition to their service in this organization, and their military service for our country, these two have gone the extra mile to honor the victims of September 11, 2001, as well as military personnel involved in the war on terror. As a result of their dedication, a monument and flag have been erected on Freezeout Hill in Gem County honoring these groups. Today, it is Jim and George who are honored.

John Jackson of Nampa owns the successful Jackson Food Stores, and has used his success to help others. John donated funds to build an indoor track and field facility next to the Idaho Center. The facility is very important to the Boise State University track team, as well as local youth and adult track clubs. The site is also scheduled to host some significant competitions in the coming years. John's selfless and important donation has also spurred additional economic development in the area.

Wiley Dobbs of Twin Falls has served as an Idaho Congressional Award Board Member since 1993, where he has spent thousands of hours working as a student advisor, making presentations to different groups, and talking to parents. Idaho leads the United States in the number of participants in this prestigious award program and the Twin Falls region leads the way in Idaho, thanks in large part to Wiley and his associates.

Sixteen-year-old Jessy Peterson of Castleford saved a man's life in December 2002. As he headed home late one evening, Jessy spotted a fire burning in the garage of a house. Jessy was able to successfully awaken the resident of the house, who escaped without harm. He then went one step further and helped the resident to extinguish the fire. Jessy's courageous actions speak to his depth of character.

Bob Harmon of Meridian is a hero in the war on terror, but he doesn't wear a uniform or carry a gun. Bob owns Harmon Travel and used his business

to support our troops. He donated airline tickets for family members to attend the burial of a soldier killed in Operation Iraqi Freedom. Bob Harmon gave freely to help a military family in a time of need.

Scott Andrews of Blackfoot is the Bingham County Prosecutor. As part of his efforts to keep his county safe and make the Prosecutor's Office more accessible, Scott has created a new website. The website: www.co.bingham.id.us/prosecutor/prosecuting_attorney.htm, provides people with quick and easy access to important information about matters handled by the Prosecutor's Office, including information on victim and witness services, the public record, and legal research links. Scott has made our judicial system more responsive with his innovative approach to his office.

Taylor and Alyssa Jensen's story is truly touching. These two Pocatello sisters literally gave of themselves to help others less fortunate than they. Seeing the needs of cancer victims, Taylor and Alyssa cut and donated their long hair to make wigs for those who had lost their hair as a result of chemotherapy. They are to be commended for this exceptional act of service.

Jared Helm is a senior at Lewiston High School. He is dedicated to volunteering and making the community a better place. He is also a role model for younger children and stresses the importance of volunteering to them. Last year he volunteered over 450 hours, has a 4.0 GPA, and is a Lewiston High School Student Body officer. Such commitment embodies "The Spirit of Idaho."

"Grandma" Gay Reese plays an important role for the "America Reads" program every day at Lincoln Elementary School in Twin Falls. For the past five years, she has helped young students learn to read. Gay's remarkable dedication has helped to instill a lifelong love of reading within several hundred Magic Valley children. In addition, she has been instrumental in recruiting new Grandparents to the America Reads program. "Grandma" Reese embodies the selfless service honored by the Spirit of Idaho award.

The Hospice of Eastern Idaho provides a full range of supportive services for terminally ill individuals and their families while they are in the latter stages of a terminal illness. This critical service depends largely on volunteers. The following individuals have given of their time and talents for the benefit of others:

Donna Stone has been a Hospice Volunteer for three years. Last year she provided 195 volunteer hours for one patient, consistently showing up twice a week to give respite care for the patient's husband for two to three hours at a time. Her willingness and faithfulness week after week are inspiring.

Since becoming volunteers in spring 2002, Buck and Debbie Horton have each worked almost 200 volunteer

hours for many different families under the care of the Hospice. They are both retired and have dedicated themselves to helping others in the community. Those at the Hospice of Eastern Idaho are fortunate to be able to call upon these outstanding individuals at any time to help patients and their families.

Larry and Evelyn Miller are Mormon missionaries, assigned to the Hospice of Eastern Idaho by the LDS Church. They serve as volunteer spiritual liaisons for patients and families, but also are available to give families respite care when needed. These volunteers have given hundreds of hours of respite care to many in need.

Donna Meyer has been a Hospice Volunteer since 1994 and has put in over a 100 hours helping patients. Since 2002, she has been visiting and reading to one particular patient who does not speak. Donna reads to her and puts cream on her face and hands to let her know that someone cares. Recently she purchased a bird feeder to place outside the patient's window so she might enjoy watching the birds. Donna connects with this woman, even though there is not a word spoken during the visit.

Dorothy Wayne has been a Hospice Volunteer since 1989 and has given over 100 hours to a variety of patients. She has traveled extra miles to stay with patients when necessary, often during the evening hours or even on weekends when needed. She is a retired nurse and uses her excellent training and experience to the benefit of all involved with the Hospice.

Fern Jones has been a Hospice Volunteer for 10 years while continuing to work full time. She has spent over 100 hours visiting patients during her lunch hour, after work, or on weekends when necessary. Soon she will retire. I am confident that her self-sacrificing spirit will continue to shine as she carries on with her important work.

Bob Siedelmann has been a Hospice Volunteer since 1999, and has volunteered for over 100 hours of service. He is always willing to stay with a patient, even if he has to change his plans to make the time work. Recently he attended the early service at his church so that he could be with a patient by 10:30 a.m. on Sunday. Bob's help and caring have improved the lives of many of the Hospice's male patients.

Vince Aquino has always been willing to visit with any patient, even if that patient did not know he was there and could not communicate with him. He has spent many hours in the secure units of more than one nursing home to be with patients suffering from dementia or Alzheimer's. He has been a Hospice Volunteer since 1999, putting in over 100 hours of service.

Connie Staffel is a professional counselor who works full-time at Eastern Idaho Technical College. Since becoming a volunteer last October, Connie has worked many Saturdays to facili-

tate a support group for grieving family members. In addition she has been available for patient care when her schedule permits. With her specialized training and experience, Connie has been a valuable resource for the Hospice.

Leora Cornia, a volunteer first with District 7 and now with Hospice of Eastern Idaho, has given 100 hours to a variety of patients. She is willing to give of her time to any and all that need her, though I am told her favorite activity is conversing with patients. Leora's service is invaluable to the Hospice and its patients.

Jim McCue is a volunteer who began with District 7 and now works with Hospice of Eastern Idaho. Jim has spent countless volunteer hours listening intently to his patients. He prefers to report on his visits in poetic form, and after visiting his most recent patient wrote: "I can already see it getting harder, I can already see it ending hard. I can already see it lasting too long, and not long enough." The Hospice Staff appreciates his insight and poetry as they work to assist the Hospice's patients.

When the Hospice had patients in the St. Anthony, Rexburg area, Barry Leeck of Chester was, for an extended period, the only volunteer close enough to be of assistance. He has always been willing to fit patients into his work schedule, and often visits patients after work or on his days off. His volunteer hours also include helping the Hospice office with clerical matters. I commend him for his service.

Domestic violence is a terribly destructive, hurtful thing. The victims of this horror need help and protection. The Family Service Alliance of Pocatello provides this support. Many women and children in southeast Idaho have been the beneficiaries of the safe haven provided by the Alliance. This organization also provides counseling to victims of rape. This important organization is truly representative of the "Spirit of Idaho."

It was an honor to present the Spirit of Idaho award to a group of dialysis patients from Coeur d'Alene. This group rides stationary bicycles to remain healthy during treatment. The group collectively set a goal to ride the miles equivalent to a biking trip across the United States. Their journey had a special destination for me—they were pedaling to Crapo, Maryland. As a result, this group is affectionately called the "Crapo Bikers." Day after day, these dedicated individuals biked for miles, moving a pin across the map of the United States. Despite adversity this group reached their goal. Their resolute determination stands as an example for all.

Jenny Busdon, a world champion gold medal recipient in cross country skiing, has worked on multiple fundraising projects over the past decade to benefit the Harriman Trail system and Galena Lodge in Sun Valley. She promotes increased participation in cross

country skiing and overall awareness of the sport. As a strong supporter of healthy living, and an avid sportsman, I applaud Jenny's efforts.

Carol Harlig of Ketchum is a two-time breast cancer survivor who mentors others with the disease and serves on numerous community boards for breast cancer awareness. She also serves at the Ketchum Library. Recently she also put together care packages for Blaine County troops stationed in Iraq. Even with all of these important responsibilities, Carol finds time to mentor at-risk elementary school children. She is a great example for others in Idaho.

I honor all Spirit of Idaho recipients, past and future, for their exceptional contributions and accomplishments. It is a privilege to pay tribute to these individuals for their important efforts on behalf of the citizens and communities of the great State of Idaho. ●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5951. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting two documents related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC-5952. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's 2003 Performance and Accountability Report; to the Committee on Environment and Public Works.

EC-5953. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Changes to the Adjudicatory Process" (RIN3150-AG49) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5954. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting several documents related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC-5955. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, -61BT, -32PT, and -24PHB Revision" (RIN3150-AH28) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5956. A communication from the Administrator, General Services Administrator, transmitting copies of Reports of Building Project Survey for Ft. Lauderdale, FL, Benton, IL, Greensboro, NC, and Sioux Falls, SD; to the Committee on Environment and Public Works.

EC-5957. A communication from the Program Analyst, Directorate Civil Works, Army Corps of Engineers, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area Cooper River and Tributaries, Naval Weapons Station Charleston, Charleston, SC" received on December 30, 2003; to the Committee on Environment and Public Works.

EC-5958. A communication from the Program Analyst, Directorate Civil Works, Army Corps of Engineers, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area, Naval Weapons Statin Earle, Sandy Hook Bay, New Jersey" received on December 30, 2003; to the Committee on Environment and Public Works.

EC-5959. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Solicitor, Department of the Interior, received on December 30, 2004; to the Committee on Environment and Public Works.

EC-5960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting two Uniform Resource Locators (URLs) for documents that the Agency has recently issued; to the Committee on Environment and Public Works.

EC-5961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Phase 2 Requirements for Spark-Ignition Nonroad Engines at or Below 19 Kilowatts" (FRL#7606-1) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kentucky Update to Materials Incorporated by Reference" (FRL#7601-2) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5963. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa; Correction" (FRL#7608-3) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5964. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL#7608-9) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5965. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL#7608-8) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5966. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Disapproval of State Implementation Plan Revisions, San Joaquin Valley Unified Air Pollution Control District" (FRL#7607-6) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5967. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL#7600-9) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5968. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant

to law, the report of a rule entitled "State Implementation Plans; States of Arizona, California, and Nevada; Correction" (FRL#7609-4) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5969. A communication from the Assistant Secretary, Department of the Army, transmitting, pursuant to law, a report relative to the Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County, Florida; to the Committee on Environment and Public Works.

EC-5970. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Part 71—Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments" (RIN3150-AG71) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5971. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, -61BT, -32PT, -24PHB, and -32PT Revision" (RIN3150-AH36) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5972. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC-UMS Revision" (RIN3150-AH25) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5973. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the 1998, 1999, and 2000 Annual Reports compiled by the Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies; to the Committee on Environment and Public Works.

EC-5974. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification that the Deputy Secretary of State has determined that the export to Iraq of composite armor panels for uses other than body armor is in the national interest of the United States; to the Committee on Foreign Relations.

EC-5975. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the lack United Nations' grants of official status, accreditation, or recognition to any nation which promotes, condones, or seeks the legalization of pedophilia; to the Committee on Foreign Relations.

EC-5976. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning an amendment to Part 126 of the International Traffic in Arms Regulations, promulgated pursuant to the Arms Export Control Act; to the Committee on Foreign Relations.

EC-5977. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-5978. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a copy of Presidential Determination

2004-07 relative to military assistance under the Rome Statute and an accompanying report; to the Committee on Foreign Relations.

EC-5979. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-5980. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a copy of Presidential Determination 2004-17 relative to military assistance under the Rome Statute and an accompanying report; to the Committee on Foreign Relations.

EC-5981. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of vacancy for the position of Assistant Administrator, Agency for International Development received on December 30, 2003; to the Committee on Foreign Relations.

EC-5982. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2004-3) received on January 13, 2004; to the Committee on Finance.

EC-5983. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Procedures for Letter Rulings and Determination Letters" (Rev. Proc. 2004-1) received on January 13, 2004; to the Committee on Finance.

EC-5984. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-4" (Rev. Proc. 2004-4) received on January 13, 2004; to the Committee on Finance.

EC-5985. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting With Respect to Foreign Disregarded Entities" (Announcement 2004-4) received on January 13, 2004; to the Committee on Finance.

EC-5986. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Abusive Roth IRAs" (Notice 2004-8) received on January 13, 2004; to the Committee on Finance.

EC-5987. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Definition of Income for Trust Purposes" (RIN1545-AX96) received on January 13, 2004; to the Committee on Finance.

EC-5988. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Credit for Increasing Research Activities" (RIN1545-AY82) received on January 13, 2004; to the Committee on Finance.

EC-5989. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Deduction and Capitalization of Expenditures" (RIN1545-BA00) received on January 13, 2004; to the Committee on Finance.

EC-5990. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores" (Rev. Rule 2004-7) received on January 13, 2004; to the Committee on Finance.

EC-5991. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Definition of Agent for Certain Purposes" (RIN1545-AY94) received on January 13, 2004; to the Committee on Finance.

EC-5992. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Administrative, Procedural, and Miscellaneous" (Rev. Proc. 2004-13) received on January 13, 2004; to the Committee on Finance.

EC-5993. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Definition of Agent for Certain Purposes" (RIN1545-AY94) received on January 13, 2004; to the Committee on Finance.

EC-5994. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Administrative, Procedural, and Miscellaneous" (Rev. Proc. 2004-13) received on January 13, 2004; to the Committee on Finance.

EC-5995. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-6" (Rev. Proc. 2004-6) received on January 13, 2004; to the Committee on Finance.

EC-5996. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-5" received on January 13, 2004; to the Committee on Finance.

EC-5997. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Improper to Proper Depreciation Changes" (Rev. Proc. 2004-11) received on January 13, 2004; to the Committee on Finance.

EC-5998. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 2004-7) received on January 13, 2004; to the Committee on Finance.

EC-5999. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-8" (Rev. Proc. 2003-8) received on January 13, 2004; to the Committee on Finance.

EC-6000. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Changes in Computing Depreciation" (RIN1545-BC17) received on January 13, 2004; to the Committee on Finance.

EC-6001. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 42 Carryover and Stacking Rule Amendments" (RIN1545-BA85) received on January 13, 2004; to the Committee on Finance.

EC-6002. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Video Teleconferencing Appeal" (RIN0960-AE97) received on January 13, 2004; to the Committee on Finance.

EC-6003. A communication from the Chairman, Medicare Payment Advisory, transmitting, pursuant to law, a report relative to outpatient dialysis payment rates; to the Committee on Finance.

EC-6004. A communication, transmitting, pursuant to law, the report of a rule entitled

"Medical Devices: Classification of the Dental Sonography Device and Jaw Tracking Device" (Doc. No. 200N-0305) received on January 13, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6005. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to increasing health care to non-elderly, low-income populations; to the Committee on Health, Education, Labor, and Pensions.

EC-6006. A communication from the Regulations Coordinator, Administrator for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule on Head Start Transportation" (RIN097-AC16) received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6007. A communication from the President, Midwestern Higher Education Compact, transmitting, the report of a resolution regarding the reauthorization of the Higher Education Act; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 129. A bill to provide for reform relating to Federal employment, and for other purposes (Rept. No. 108-223).

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. CORNYN (for himself, Mr. DODD, and Mr. LOTT):

S. 2031. A bill to authorize the States to implement such mechanisms as are necessary in a time of national crisis to ensure the continuity of the Senate in the event that a quorum of the Senate is not present due to the inability of members of the Senate to discharge the powers and duties of their office; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. 2032. A bill to provide assistance and security for women and children in Afghanistan and for other purposes; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2033. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. BIDEN, Mr. DORGAN, Mr. JOHNSON, and Mr. DODD):

S. Res. 292. A resolution designating the week beginning February 2, 2004, as "National School Counseling Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 664

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 846

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 910

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 910, a bill to ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for non-regular service from 60 to 55.

S. 1189

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1189, a bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1326

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1326, a bill to establish the position of Assistant Secretary of Commerce for Manufacturing in the Department of Commerce.

S. 1354

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1354, a bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

S. 1398

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1398, a bill to provide for the environmental restoration of the Great Lakes.

S. 1457

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 1457, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level.

S. 1568

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1706

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1706, a bill to improve the National Instant Criminal Background Check System, and for other purposes.

S. 1786

At the request of Mr. ALEXANDER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1786, a bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act.

S. 1888

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1888, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

S. 1948

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1961

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1961, a bill to provide for the revitalization and enhancement of the American passenger and freight rail transportation system.

S. 1986

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1986, a bill to amend the Help America Vote Act of 2002 to re-

quire voter verification and improved security for voting systems under title III of the Act, and for other purposes.

S. 2006

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2006, a bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 2032. A bill to provide assistance and security for women and children in Afghanistan and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, yesterday was an important and historic day for Afghanistan. President Hamid Karzai signed a new constitution that guarantees the equal rights of all Afghans, including women.

Given the terrible hardship women and girls in Afghanistan faced during the years of war, drought and the draconian policies of the Taliban, this new constitution is an important step forward.

However, yesterday's victory will be sort-lived if the constitution is not implemented and women continue to suffer from discrimination and violence, and are denied access to health care, education and job training.

The biggest challenge facing women today is a lack of basic security. Human Rights Watch reported earlier this month that:

women and girls bear some of the worst effects of Afghanistan's insecurity. Conditions are generally better than under the Taliban, but women and girls continue to face severe governmental and social discrimination. Those who organize protests or criticize local rulers face threats and violence. Soldiers and police routinely harass women and girls, even in Kabul city. Many women and girls are afraid to remove the burqa. Because soldiers are targeting women and girls, many are staying indoors, especially in rural areas, making it impossible for them to attend school, go to work, or actively participate in the country's reconstruction.

Today, I am introducing legislation that will ensure that women and children are able to thrive in a post-Taliban Afghanistan.

This legislation authorizes \$300 million each year to provide assistance to Afghan women and children with four specific goals. First, the bill seeks to enhance the political and human rights of women by providing assistance to help them exercise property, inheritance and voting rights and to enforce provisions in the new constitution that ensure equal rights for women.

Second, the bill provides funding for health care, including assistance to reduce maternal and infant mortality and to train midwives, nurses and traditional birth attendants.

Third, funding is authorized to be used for education and training, including expanding schools for women and

girls, technical and vocational training and literacy programs.

Finally, the bill addresses the issue of security by providing programs to prevent the trafficking of women and girls, support the return of refugees, and provide general security to prevent violent attacks against schools. The bill also calls for an expansion of international peacekeeping forces throughout the country.

We have heard many times that failure is not an option in Afghanistan. Passage of this legislation will go a long way to ensure the success of a democratic and peaceful nation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2033. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill to rename the Federal building in Roswell, NM, after my dear friend, Representative Joe Skeen. On December 7, 2003, Joe lost his valiant battle with Parkinson's Disease. He will be deeply missed.

I first met Joe more than 40 years ago when I was fresh out of law school and Joe was a rising star within the New Mexico Republican party. From that moment, I knew that Joe was destined for great things. To the great benefit of the people of the State of New Mexico and the Nation, Joe chose to dedicate his life to public service.

For those of us who knew Joe, it came as no surprise when he became only the third person in our Nation's history to win a U.S. House seat as a write-in candidate in 1980. During his 22 year tenure as New Mexico's representative for the 2nd Congressional District, Joe was a powerful voice for the people of his district and its rural lifestyle. For instance, he was a staunch defender of New Mexico's farming and ranching interests.

Many have described Joe as one of the most powerful members of Congress that New Mexico ever sent to Washington, DC. But Joe never forgot who he was and where he was from. He was part and parcel of this land and its people. Joe truly represented the people of the 2nd Congressional District, both politically and in spirit.

Joe sought committee assignments that would most benefit the largely rural district that he represented. During his time in the U.S. Congress, Joe served 17 years on the House Appropriations Committee, serving as Chairman of both the Interior Appropriations Subcommittee and the Agriculture Appropriations Subcommittee.

In 2002 Joe retired from Congress. After 11 terms in Congress, Joe decided to return to his ranch, a place that he described as being "at the center of my upbringing and which shaped my character and principles in life." I feel truly blessed to have had the honor to

serve with Joe for those 22 years. I know Washington will go on without Joe, but it will not be nearly as good a place.

For all the good that Joe accomplished during his 22 years as a Congressman, I know he could not have done it alone. We owe a great debt of gratitude to Mary, his wife of 57 years. She and the Skeen children deserve great credit for making his life so remarkable.

Today I introduce legislation that would designate the Federal Building in Roswell, NM, the "Joe Skeen Federal Building." I would like to thank my distinguished colleague Senator JEFF BINGAMAN for co-sponsoring this legislation. Additionally, Representatives WILSON, PEARCE and UDALL will introduce shortly a companion bill honoring Joe for his service to his State and Nation.

Joe was born in Roswell, NM, represented the people of the Second Congressional District for 22 years and spent his final days in Roswell, NM. It is fitting that the Roswell Federal Building bear his name. One of Joe's first actions after he took office in 1981 was to introduce legislation to name the Federal Building in Las Cruces after the man he replaced, the late Congressman Harold Runnels. I believe it's appropriate, 22 years later, to return the favor.

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. 2033

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

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the "Joe Skeen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Skeen Federal Building.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—DESIGNATING THE WEEK BEGINNING FEBRUARY 2, 2004, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself, Mr. BIDEN, Mr. DORGAN, Mr. JOHNSON, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas the American School Counselor Association has declared the week beginning February 2, 2004, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the American education system must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism inflicted on the United States on September 11, 2001, and its aftermath;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are usually the only professionals in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 485 to 1 is more than double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of "National School Counseling Week" would increase awareness of the important and necessary role school counselors play in the lives of the Nation's students: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL SCHOOL COUNSELING WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning February 2, 2004, as "National School Counseling Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning February 2, 2004, as "National School Counseling Week"; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform within the school and the community at large to prepare students for fulfilling lives as contributing members of society.

Mrs. MURRAY. Mr. President, today I am pleased to submit a resolution designating the week of February 2, 2004, as "National School Counseling Week," on behalf of my colleagues Senator BIDEN, Senator DORGAN, Senator JOHNSON and Senator DODD. This resolution would honor and celebrate the important work of school counselors, which the Senate has recognized since 1965 through the inclusion of school counseling in the Elementary and Secondary Education Act.

Across the country, there are approximately 95,000 school counselors, including 2,100 in Washington State. School counselors are critical components of a successful school and contribute significantly to the growth and

success of students. In fact, school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism on September 11, 2001, and its aftermath. However, despite their important service, counselors are expected to serve, on average 485 students each, and are overwhelmed. The American School Counseling Association, the American Medical Association, and the American Psychological Association recommend the ratio of students to school counselors be 250 students to 1 school counselor.

I want to share just a few examples of how school counselors throughout America are helping students.

In a middle school in southern California, school counselors realized that 257 students were in danger of not passing onto the next grade. They discovered that only 15 percent of the students understood the promotion and retention requirements. The school counselors presented a series of individual and small group lessons on promotion and retention criteria. After the lessons, 100 percent of the students understood the requirements. As a result, 72 of the 257 students, about 28 percent, avoided retention that year.

In a high school in Racine, WI, a math teacher realized that 100 of his students failed algebra in the first quarter of the year. He asked a school counselor for help. Together, they discovered some of the reasons why students were failing. They initiated several programs, such as peer tutoring and homework assistance. As a result, 93 of the 100 students passed algebra by the end of the year and were able to move on to the next level of math.

A school district in Kentucky realized that the retention rate among ninth grade students was unacceptably high. School counselors, teachers and administrators worked together to develop and implement strategies targeted at helping ninth graders move to 10th grade. As a result, retention rates improved in 16 of the 17 high schools in the county in just one year. One school saw the retention rate improve more than 25 percent.

This resolution is merely the beginning of what we need to be doing to support school counselors. We need to reduce the ratio of students to counselors to, at the most, 250 to 1. We need to help schools maintain their funding so that school counselors are not cut from school budgets. And we need to support our school counselors so that they can continue to be integral in the fabric of our schools and help our students achieve success in high school and beyond.

School counselors design and implement comprehensive developmental school counseling programs that are integral to the success of every student. They help students improve academic achievement, develop personally and socially and prepare for successful careers that will enable them to be contributing members of society. National School Counseling Week focuses

public attention on the unique contribution of professional school counselors and highlights the tremendous impact that school counselors have in helping students achieve success in school and beyond.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2262. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table.

SA 2263. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, supra; which was ordered to lie on the table.

SA 2264. Mr. GRASSLEY (for Mr. NICKLES) proposed an amendment to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, supra.

TEXT OF AMENDMENTS

SA 2262. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. __. RESTORATION OF CERTAIN PLANS TERMINATING IN 2003.

(a) IN GENERAL.—The provisions of subsection (b) shall apply to any defined benefit plan that was—

(1) maintained by a commercial passenger air carrier,

(2) maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement, and

(3) terminated during the calendar year 2003 while the employer was in bankruptcy under chapter 11 of title 11 of the United States Code.

(b) RESTORATION OF PLAN.—The Pension Benefit Guaranty Corporation shall restore any plan described in subsection (a), pursuant to the terms described in subsection (g), and the control of the plan's assets and liabilities shall be transferred to the employer. The date of restoration shall be not later than 60 days after the date the terms of the plan are determined pursuant to subsection (g).

(c) EXCLUSION OF EXPECTED INCREASE IN CURRENT LIABILITY.—In applying section 412(l)(1)(A)(i) of the Internal Revenue Code of 1986 and section 302(d)(1)(A)(i) of the Employee Retirement Income Security Act of 1974 with respect to a plan restored under subsection (b), any expected increase in current liability due to benefits accruing during each plan year as described in section 412(l)(2)(C) of such Code and section 302(d)(2)(C) of such Act shall be excluded.

(d) AMORTIZATION OF UNFUNDED AMOUNTS UNDER RESTORATION PAYMENT SCHEDULE.—

(1) POST-RESTORATION INITIAL UNFUNDED ACCRUED LIABILITY.—In the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the initial restoration amortization base for a plan described in subsection (a) shall be an amount equal to the excess of—

(i) the accrued benefit liabilities returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the initial restoration amortization base shall be amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date, and the funding standard account of the plan under section 412 of such Code and section 302 of such Act shall be charged with such installments.

(2) UNFUNDED SECTION 412(l) RESTORATION LIABILITY.—For purposes of section 412 of such Code and section 302 of such Act, in the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the unfunded section 412(l) restoration liability shall be an amount equal to the excess of—

(i) the current liability returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the unfunded section 412(l) restoration liability amount shall be equal to the unfunded section 412(l) restoration liability amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date.

(3) RULES OF SPECIAL APPLICATION.—In applying the 30-year amortization described in paragraph (1)(C) or (2)(C)—

(A) the assumed interest rate for purposes of paragraph (1)(C) shall be the valuation interest rate used to determine the accrued liability under section 412(c) of such Code and section 302(c) of such Act,

(B) the assumed interest rate for purposes of paragraph (2)(C) shall be the interest rate used to determine current liability as of the initial post-restoration valuation date under section 412(l) of such Code and section 302(d) of such Act,

(C) the actuarial value of assets as of the initial post-restoration valuation date shall be reset to the market value of assets with a 5-year phase-in of unexpected investment gains or losses on a prospective basis, and

(D) for plans using the frozen initial liability (FIL) funding method in accordance with section 412(c) of such Code and section 302(c) of such Act, the initial unfunded liability used to determine normal cost shall be reset to the initial restoration amortization base.

(e) QUARTERLY CONTRIBUTIONS.—The requirements of section 412(m) of such Code and section 302(e) of such Act shall not apply to a plan restored under subsection (b) until the plan year beginning on the initial post-restoration valuation date. The required annual payment for that year shall be the lesser of—

(1) the amount determined under section 412(m)(4)(B)(i) of such Code and section 302(e)(4)(B)(i) of such Act, or

(2) 100 percent of the amount required to be contributed under the plan for the plan year beginning January 1, 2003, and ending on the date of plan termination.

(f) RESETTING OF FUNDING STANDARD ACCOUNT BALANCES.—In the case of a plan restored under subsection (b), any accumulated funding deficiency or credit balance in the

funding standard account under section 412 of such Code or section 302 of such Act shall be set equal to zero as of the initial post-restoration valuation date.

(g) TERMS OF RESTORED PLAN.—

(1) IN GENERAL.—The terms of a plan which is restored pursuant to subsection (b) shall be determined by mutual agreement of the employer and the collective bargaining representative of employees covered by the plan. If such parties are unable to reach mutual agreement on such terms, then the terms of the restored plan will be determined by a neutral arbitrator. The neutral arbitrator will be selected by the parties within 7 days after the earlier of the date the parties reach an impasse or 60 days after the date of the enactment of this Act. The neutral arbitrator will be selected by the parties from a panel of neutrals provided by the National Mediation Board. The neutral arbitrator will render his or her determination not later than 120 days after the date of the enactment of this Act. Such determination shall be final and binding on the parties.

(2) SPECIFIC TERMS.—The terms of the restored plan are subject to the following:

(A) Benefits under the restored plan for any participant or group of participants may not be greater than, but may be less than, those under the plan prior to its termination, and forms of distribution under the restored plan for any participant or group of participants may exclude forms available under the plan prior to its termination, and any such reductions in benefits or forms of distribution shall be deemed to comply with section 411(d)(6) of such Code and section 204(g) of such Act.

(B) For any participant, benefits under the restored plan shall be offset by the value of contributions made on behalf of such participant to any defined contribution pension plan established by the parties in conjunction with the termination of the restored plan.

(C) The amortization periods for the initial restoration amortization base and the unfunded section 412(l) restoration liability shall not exceed 30 years.

(D) The minimum required cost of the restored plan shall not be less than the greater of—

(i) the projected cost of any defined contribution pension plan established in conjunction with the termination of the restored plan, or

(ii) the amount allowed as costs under the employer's original plan of reorganization for all of the employer's retirement plans minus the minimum required cost determined as of the plan restoration date of all of the employer's retirement plans excluding the restored plan.

(h) PBGC LIABILITY LIMITED.—In the case of any plan which is described in subsection (a), which is restored pursuant to subsection (b), and which subsequently terminates with a date of plan termination before the end of the fifth calendar year after the date of restoration, section 4022 of the Employee Retirement Income Security Act of 1974 shall be applied as if the plan had been amended to provide that participants would receive no credit for benefit accrual purposes under the plan for service on and after the first day of the plan year beginning after the date of the enactment of this Act.

(i) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2002.

SA 2263. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based

on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. __. RESTORATION OF CERTAIN PLANS TERMINATING IN 2003.

(a) IN GENERAL.—The provisions of subsection (b) shall apply to any defined benefit plan that was—

(1) maintained by a commercial passenger air carrier,

(2) maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement, and

(3) terminated during the calendar year 2003.

(b) RESTORATION OF PLAN.—The Pension Benefit Guaranty Corporation shall restore any plan described in subsection (a), pursuant to the terms described in subsection (g), and the control of the plan's assets and liabilities shall be transferred to the employer. The date of restoration shall be not later than 60 days after the date the terms of the plan are determined pursuant to subsection (g).

(c) EXCLUSION OF EXPECTED INCREASE IN CURRENT LIABILITY.—In applying section 412(l)(1)(A)(i) of the Internal Revenue Code of 1986 and section 302(d)(1)(A)(i) of the Employee Retirement Income Security Act of 1974 with respect to a plan restored under subsection (b), any expected increase in current liability due to benefits accruing during each plan year as described in section 412(l)(2)(C) of such Code and section 302(d)(2)(C) of such Act shall be excluded.

(d) AMORTIZATION OF UNFUNDED AMOUNTS UNDER RESTORATION PAYMENT SCHEDULE.—

(1) POST-RESTORATION INITIAL UNFUNDED ACCRUED LIABILITY.—In the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the initial restoration amortization base for a plan described in subsection (a) shall be an amount equal to the excess of—

(i) the accrued benefit liabilities returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the initial restoration amortization base shall be amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date, and the funding standard account of the plan under section 412 of such Code and section 302 of such Act shall be charged with such installments.

(2) UNFUNDED SECTION 412(l) RESTORATION LIABILITY.—For purposes of section 412 of such Code and section 302 of such Act, in the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the unfunded section 412(l) restoration liability shall be an amount equal to the excess of—

(i) the current liability returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the unfunded section 412(l) restoration liability amount shall be equal to the unfunded section 412(l) restoration liability amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date.

(3) RULES OF SPECIAL APPLICATION.—In applying the 30-year amortization described in paragraph (1)(C) or (2)(C)—

(A) the assumed interest rate for purposes of paragraph (1)(C) shall be the valuation interest rate used to determine the accrued liability under section 412(c) of such Code and section 302(c) of such Act,

(B) the assumed interest rate for purposes of paragraph (2)(C) shall be the interest rate used to determine current liability as of the initial post-restoration valuation date under section 412(l) of such Code and section 302(d) of such Act,

(C) the actuarial value of assets as of the initial post-restoration valuation date shall be reset to the market value of assets with a 5-year phase-in of unexpected investment gains or losses on a prospective basis, and

(D) for plans using the frozen initial liability (FIL) funding method in accordance with section 412(c) of such Code and section 302(c) of such Act, the initial unfunded liability used to determine normal cost shall be reset to the initial restoration amortization base.

(e) QUARTERLY CONTRIBUTIONS.—The requirements of section 412(m) of such Code and section 302(e) of such Act shall not apply to a plan restored under subsection (b) until the plan year beginning on the initial post-restoration valuation date. The required annual payment for that year shall be the lesser of—

(1) the amount determined under section 412(m)(4)(B)(i) of such Code and section 302(e)(4)(B)(i) of such Act, or

(2) 100 percent of the amount required to be contributed under the plan for the plan year beginning January 1, 2003, and ending on the date of plan termination.

(f) RESETTling OF FUNDING STANDARD ACCOUNT BALANCES.—In the case of a plan restored under subsection (b), any accumulated funding deficiency or credit balance in the funding standard account under section 412 of such Code or section 302 of such Act shall be set equal to zero as of the initial post-restoration valuation date.

(g) TERMS OF RESTORED PLAN.—

(1) IN GENERAL.—The terms of a plan which is restored pursuant to subsection (b) shall be determined by mutual agreement of the employer and the collective bargaining representative of employees covered by the plan. If such parties are unable to reach mutual agreement on such terms, then the terms of the restored plan will be determined by a neutral arbitrator. The neutral arbitrator will be selected by the parties within 7 days after the earlier of the date the parties reach an impasse or 60 days after the date of the enactment of this Act. The neutral arbitrator will be selected by the parties from a panel of neutrals provided by the National Mediation Board. The neutral arbitrator will render his or her determination not later than 120 days after the date of the enactment of this Act. Such determination shall be final and binding on the parties.

(2) SPECIFIC TERMS.—The terms of the restored plan are subject to the following:

(A) Benefits under the restored plan for any participant or group of participants may not be greater than, but may be less than, those under the plan prior to its termination, and forms of distribution under the restored plan for any participant or group of participants may exclude forms available under the plan prior to its termination, and any such reductions in benefits or forms of distribution shall be deemed to comply with section 411(d)(6) of such Code and section 204(g) of such Act.

(B) For any participant, benefits under the restored plan shall be offset by the value of contributions made on behalf of such participant to any defined contribution pension plan established by the parties in conjunc-

tion with the termination of the restored plan.

(C) The amortization periods for the initial restoration amortization base and the unfunded section 412(l) restoration liability shall not exceed 30 years.

(D) The minimum required cost of the restored plan shall not be less than the greater of—

(i) the projected cost of any defined contribution pension plan established in conjunction with the termination of the restored plan, or

(ii) the amount allowed as costs under the employer's original plan of reorganization for all of the employer's retirement plans minus the minimum required cost determined as of the plan restoration date of all of the employer's retirement plans excluding the restored plan.

(h) PBGC LIABILITY LIMITED.—In the case of any plan which is described in subsection (a), which is restored pursuant to subsection (b), and which subsequently terminates with a date of plan termination before the end of the fifth calendar year after the date of restoration, section 4022 of the Employee Retirement Income Security Act of 1974 shall be applied as if the plan had been amended to provide that participants would receive no credit for benefit accrual purposes under the plan for service on and after the first day of the plan year beginning after the date of the enactment of this Act.

(i) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2002.

SA 2264. Mr. GRASSLEY (for Mr. NICKLES) proposed an amendment to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. __. SENSE OF THE SENATE ON STATUS OF PRIVATE PENSION PLANS.

(a) FINDINGS.—Congress makes the following findings:

(1) The private pension system is integral to the retirement security of Americans, along with individual savings and Social Security.

(2) The Pension Benefit Guaranty Corporation (PBGC) is responsible for insuring the nation's private pension system, and currently insures the pensions of 34,500,000 participants in 29,500 single-employer plans, and 9,700,000 participants in more than 1,600 multi-employer plans.

(3) The PBGC announced on January 15, 2004, that it suffered a net loss in fiscal year 2003 of \$7,600,000,000 for single-employer pension plans, bringing the PBGC's deficit to \$11,200,000,000. This deficit is the PBGC's worst on record, three times larger than the \$3,600,000,000 deficit experienced in fiscal year 2002.

(4) The PBGC also announced that the separate insurance program for multiemployer pension plans sustained a net loss of \$419,000,000 in fiscal year 2003, resulting in a fiscal year-end deficit of \$261,000,000. The 2003 multiemployer plan deficit is the first deficit in more than 20 years and is the largest deficit on record.

(5) The PBGC estimates that the total underfunding in multiemployer pension

plans is roughly \$100,000,000, and in single-employer plans is approximately \$400,000,000. This underfunding is due in part to the recent decline in the stock market and low interest rates, but is also due to demographic changes. For example, in 1980, there were four active workers for every one retiree in a multiemployer plan, but in 2002, there were only two active workers for every one retiree.

(6) This pension plan underfunding is concentrated in mature and often-declining industries, where plan liabilities will come due sooner.

(7) Neither the Senate Committee on Finance nor the Senate Committee on Health, Education, Labor, and Pensions (HELP), the committees of jurisdiction over pension matters, has held hearings this Congress nor reported legislation addressing the funding of multiemployer pension plans;

(8) The Senate is concerned about the current funding status of the private pension system, both single and multi-employer plans;

(9) The Senate is concerned about the potential liabilities facing the PBGC and, as a result, the potential burdens facing healthy pension plans and taxpayers;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance and the Committee on Health, Education, Labor, and Pensions should conduct hearings on the status of the multiemployer pension plans, and should work in consultation with the Departments of Labor and Treasury on permanent measures to strengthen the integrity of the private pension system in order to protect the benefits of current and future pension plan beneficiaries.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's proposed FY 2005 budget.

The Committee will hear testimony from the following:

1. The Department of Energy on Tuesday, February 10, 2004, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

2. The Department of the Interior on Thursday, February 12, 2004, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

3. The Forest Service on Tuesday, March 2, 2004, beginning at 10 a.m., in room SF-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information on these hearings, please call Carole McGuire, Deputy Staff Director at (202) 224-0537; or Shane Perkins, Staff Assistant, (Department of Energy hearing) at 202-224-7555 or Meghan Beal, Staff Assistant, (Department of the Interior and Forest Service hearings) at (202) 224-7556.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Tuesday, January 27, 2004. 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.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 27, 2003 at 10 a.m. to hold a hearing on "Afghanistan Stabilization & Reconstruction: A status report.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, January 27, 2004, at 9:30 a.m. on "Ensuring the Continuity of the United States Government: A Proposed Constitutional Amendment to Guarantee a Functioning Congress," in the Dirksen Senate Office Building Room 226.

Witness List: Hon. Alan K. Simpson, Co-Chairman, Continuity of Government Commission, Former United States Senator [R-WY], Cody, WY and Prof. Sanford V. Levinson, W. St. John Garwood and W. St. John Garwood, Jr., Centennial Chair in Law and Professor of Government, University of Texas Law School, Austin, TX.

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

SPECIAL COMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, January 27, 2004 from 10 a.m.-12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET AND INTERNATIONAL SECURITY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Tuesday, January 27, 2004 at 10 a.m. for a hearing titled, "Oversight Hearing on Mutual Funds: Hidden Fees, Misgovernance, and Other Practices that Harm Investors."

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on Tuesday, January 27, 2004, at 11:15 a.m., on "Covering the Waterfront—A Review of Seaport Security since September 11, 2001," in the Dirksen Senate Office Building Room 226.

Witness List: Larry Hereth, Rear Admiral, Director of Port Security, United States Coast Guard, Alexandria, VA; Mr. Robert M. Jacksta, Executive Director, United States Customs and Border Patrol, Fairfax, VA; and Mr. Gary M. Bald, Inspector—Deputy Assistant Director FBI, Washington, DC.

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

ORDERS FOR WEDNESDAY, JANUARY 28, 2004

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Wednesday, January 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 3108, the pension bill, as provided under the previous order.

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

PROGRAM

Mr. GRASSLEY. Tomorrow morning the Senate will resume consideration of H.R. 3108, the pension bill. Under the previous order, there will be 40 minutes of debate prior to the vote in relation to the Kyl second-degree amendment regarding waivers. Following the disposition of the Kyl amendment, we should be prepared to quickly move to a vote on passage of the underlying legislation. Senators should therefore expect a vote or maybe two votes prior to noon tomorrow. In addition to the pension rate bill, the Senate may consider any judicial nominations that can be cleared for action. Additional votes are, therefore, possible during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:49 p.m., adjourned until Wednesday, January 28, 2004, at 11 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO TOM J. DONOHOE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, it is my honor to rise and commend one of Western North Carolina's and Buncombe County's finest citizens, the late Tom J. Donohoe, "The big man with the big heart." Tom passed away on November 6, 2001. He was a personal friend of mine for many years, and he will be sorely missed.

Born in Greenville, South Carolina, Tom's family moved to North Carolina where he graduated from Biltmore High School in 1952. As an alumnus of Biltmore High School, saving the school from destruction became a pet project of Tom's in recent years. Last June the WNC Historical Association acquired the deed, and Tom sought my help for \$300,000 for the "Biltmore School Museum," which was provided in the 2002 Interior Appropriation.

After high school, Tom served in the United States Army and twelve years in the National Guard and Reserves. He was a man who loved his country, his community, and his people. Tom supported the East Asheville Youth Program for the past 47 years, giving freely of his time, materials, labor and money to this program, not for recognition but because he loved young people. Together, Tom and his wife Betty founded Asheville Electric forty years ago, building it into a thriving business, of which Tom was President, employing about 35 people.

When the new Reynolds High School was built, it was Tom Donohoe who offered to wire the school, and he drove to Kansas to get the famous "Rocket"—an Army surplus "Honest John" rocket—which he helped mount at the entrance to the school and is the school's mascot. Tom provided the lighting for the school's football and baseball stadiums.

Tom took an active part in politics in Asheville and Buncombe County. For many years he contributed to the campaigns of good men and women who ran for public office and stood as a candidate for Asheville City Council in 1989. He was well known for donning an apron and cooking at fundraisers for local candidates.

In addition to being a well-known businessman, Tom served two four-year terms on the Asheville Regional Airport Authority. During that time he served as vice-chairman, chairman of the building and grounds committee, and employee relations committee. He was also a Shriner with the Oasis Temple and a member of the Biltmore Masonic Lodge, Asheville York Rite and the Asheville Scottish Rite.

Tom married Betty Brittain 43 years ago, they reared two children: Susan Donohoe Martin of Asheville and Daniel Woron of Florida.

Tom Donohoe was a big man with an even bigger heart. WNC and Buncombe County have lost a very good friend and we will miss

him. I know that my colleagues will join me in saluting this fine man and community leader.

IN HONOR OF LOUISIANA STATE UNIVERSITY

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. JOHN. Mr. Speaker, on January 4, 2004, the Louisiana State University Tiger football team, my alma mater, defeated the Oklahoma Sooners 21-14 in the Nokia Sugar Bowl, securing the Bowl Championship Series National Title. The Fighting Tigers did their State proud by bringing home the first football National Championship in 45 years. This unique honor is one that every citizen in Louisiana will certainly cherish. LSU Chancellor Mark Emmert, Coach Nick Saban, the student-athletes, cheerleaders, members of the band and fans deserve a moment of recognition for a job well done.

However, the football team has not been the university's only champions this year. The women's indoor and outdoor track teams both earned the title of "best in the Nation"; the baseball team claimed first place in the Southeastern Conference, which propelled them to yet another College World Series. I know that fans throughout the country have watched with intense excitement as the Tigers distinguished themselves on the field of play.

LSU's accomplishments have in no way been limited to athletic achievements. As one of the Nation's largest institutions of higher learning, the university continues to raise its standards and increase its funds for research. In the last fiscal year, a record-breaking \$122.4 million was awarded to the school in the form of research awards and sponsored projects, establishing LSU as a significant player in the development of innovative ideas and technology. In the quest for increased technology, faculty and staff designed and developed SuperMike, one of the fastest computers on the face of the planet. This impressive machine is expected to do a myriad of important tasks from helping to develop the next generation of the Internet, TeraGrid, to modeling coastal erosion and storm damage.

In response to our country's heightened awareness to issues of national security, LSU has developed a National Center for Security and Research. The center will pull from experts in a number of LSU's departments as well as the private sector to share knowledge about the best ways to deal with national catastrophes.

While all of this has been going on, the faculty as LSU continue to be among the best in the Nation and have garnered awards too numerous to mention here. As a result, faculty pay has increased and the school has been able to retain and attract some of the country's greatest minds.

These accomplishments have translated into a rising bar for LSU students. The pool of ap-

plicants continues to increase while the standards for admission are the highest the university has ever seen. At the same time, LSU has been able to retain over 80 percent of its students and graduate more than half of its candidates. With admission requirements set to rise again in 2005, LSU will continue to offer an excellent affordable education to the young men and women who study there.

I appreciate this opportunity to recognize some of the accomplishments of this fantastic institution. As LSU continues to strive for excellence, Louisiana can be proud that the university remains a respected national force in both athletics and academics.

IN HONOR AND IN MEMORY OF
CHIEF WARRANT OFFICER PHILIP A. JOHNSON, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. BONNER. Mr. Speaker, on Friday, January 16, the First Congressional District of Alabama and, indeed, our entire State and Nation, said goodbye to another casualty of the war in Iraq.

Army Chief Warrant Officer Philip A. Johnson, Jr., was a native of Davenport, Iowa, and a longtime resident of Mobile, Alabama. He originally joined the United States Marine Corps in 1993 and transferred to the Army in 1997, where he was serving his 6th year. He was a member of the 501st Medivac Unit attached to the 4th Infantry Division. He and his wife, Melissa Johnson, a member of the Air Force, were living in Colorado Springs, Colorado, when Philip's unit was activated and deployed to Iraq last year.

On January 8, 2004, the medical helicopter he was on crashed about 4 miles south of Fallujah, a stronghold of anti-American insurgency. U.S. military officials have confirmed that a rocket struck the helicopter before it went down. CWO Johnson and eight other soldiers died in this crash.

Philip, who lived in Mobile for several years, was a devoted husband, son, and brother. He was a committed soldier who was not only doing what he wanted to do, but doing what he loved. He truly felt he was doing the right thing. Philip had given 9 years of his life fighting for the lives of the American people. Tragically, Philip A. Johnson, Jr., became the third soldier from Alabama's First Congressional District to die in Iraq.

According to his parents, Philip recently told them he never realized that you have to teach people to be free. His mother, Barbara Johnson, said, "He died doing what he loved; it was just a little early."

Mr. Speaker, it is only appropriate for us to pause and give thanks to God that there are still young men like Philip A. Johnson, Jr. He represented what is best about America.

I urge my colleagues to take a moment and pay tribute to Chief Warrant Officer Philip A.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Johnson, Jr., and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are but now in the infant stages of a new life, a new freedom in their own land.

We should also remember his wife, Melissa; his parents, Philip Johnson, Sr., and Barbara Johnson; and his two younger brothers, Matthew and Peter. May God give them the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself." Make no mistake, Philip A. Johnson, Jr., was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country; but he was also a true American hero.

THE REVEREND DR. RALPH
SEXTON, SR.

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, it is my honor to rise and commend one of Western North Carolina's and Buncombe County's finest citizens, the late Dr. Ralph Sexton, Sr. With the death of the Rev. Sexton Sr., Asheville lost one of the most energetic and effective members of its religious community. Sexton, who founded Trinity Baptist Church, died from a brain tumor. He was 84.

Sexton began preaching when he was just a teenager after being drawn into a tent revival where he gave his heart to God. He was on his way to see a movie when he physically felt something pull on his coat. "He said it really frightened him," said Jerry Payne, who served as Sexton's assistant pastor for 42 years. Sexton left the movie and ended up at the tent revival.

Not long afterwards, he began preaching. And what a preacher he was. In the early years, he preached in tents and front yards, in empty lots and driving down the street in a car outfitted with a loudspeaker. He even found himself in jail a few times when police arrested him for disturbing the peace. "He was from that old mountain cut," Payne said. "He preached in simple layman's terms."

"He was just a powerful preacher," according to his longtime friend, J. Wendell Runion, president and director of International Baptist Outreach Missions based in Asheville. Audiences were "spellbound" by him, Runion said.

In time, Sexton found a more potent way to deliver his message about Christ. His Sunday morning television program "Send the Light" first went on the air in 1960. He also preached on radio and at tent revivals. Then in 1966, Sexton founded Trinity Baptist Church. He built an auditorium for 500 people even though he had a congregation of about only 125. Trinity has since grown into one of Asheville's largest churches, with programs that support missionaries around the world and provide assistance to the victims of poverty, natural disasters and famine. Trinity's programs today include a Spanish Church, Trinity Baptist Bible College and Hearts with Hands, a non-denominational nonprofit humanitarian relief organization. Sexton served as the church's pastor until 1988, when his son, Dr. Ralph

Sexton Jr., who had served for 13 years as youth pastor and evangelist, became pastor. The senior Sexton remained pastor emeritus and stayed involved despite health problems.

Sexton, who was always true to his calling, will be remembered as "a very straightforward, unashamed preacher of the Gospel," according to Asheville Citizen-Times columnist Bob Terrell, who wrote a book about him. "He was a giant among the nation's old-time religionists," Terrell said. "He helped change literally thousands of lives."

Sexton was a man of God and of the mountains who will be missed by many. His family and others who loved him can take comfort in knowing that he left a legacy through which lives will continue to be changed and enriched.

IN HONOR OF SOUTHERN
UNIVERSITY

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. JOHN. Mr. Speaker, the Southern University football team gave Jaguar fans throughout Louisiana something to cheer about when they were recently recognized by the Sheridan poll as the 2004 Historically Black College National Champions. The football team certainly earned this distinction by completing an impressive 12–1 season that included victories in the Bayou Classic over in-state rival Grambling State University and Alabama State University in the Southwestern Athletic Conference championship game. Congratulations are in order for Southern University Chancellor Edward Jackson, Coach Pete Richardson, the student-athletes, cheerleaders, members of the band and fans.

The Jaguar football team joins with a number of other Southern athletic teams that have had success. In 2002, Southern University was ranked by Sports Illustrated magazine as the 131st best Division I athletic program in the Nation, quite an accomplishment when thinking about all of the terrific athletic programs throughout the country. Seven teams, including baseball, women's basketball, bowling and softball, took SWAC titles. The university was the highest ranked Historically Black College on the Sports Illustrated list.

The Jaguars also boast one of the most dynamic marching bands in the country. A revered and cherished tradition, the band never ceases to amaze. Last year, led by Dr. Isaac Greggs, the band participated in a competition involving more than 20 other black colleges. Southern emerged victorious and took first place as well as a \$10,000 award.

However, athletics and extracurricular activities are just some of the many exciting things going on at Southern. The university was named yet again as one of the top 50 colleges with the best environment for African American students; and only three other public black universities were ranked above Southern. This survey proves that Southern offers an excellent, well-rounded education at an affordable price.

Some of the achievements at Southern can be attributed to the rising operating budget and funds available for campus improvements. The university is currently operating with a

\$180 million budget, the largest in the school's 124 years. This money will be available to run the university's five campuses spread throughout Louisiana. A significant portion of the budget had been allocated for endowed professorships which now stand at 31, but are set to increase. The university is also preparing to make drastic changes to a number of its campuses. Construction is set to begin on residential housing developments on the Baton Rouge, New Orleans and Shreveport campuses as well as improvements to the athletic facilities and off-campus housing.

These accomplishments define Southern University as one of the preeminent Historically Black Colleges in the country and a source of tremendous pride for Louisiana. From its humble beginnings in 1880, Southern has grown into a vast university system with over 15,000 students. However, the school continues to produce outstanding graduates and loyal alumni. I know that the university will proceed with confidence as a respected force in education and athletics.

CONGRATULATIONS TO JUDGE
JOHN F. BUTLER ON THE OCCA-
SION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to the Honorable John F. Butler on the occasion of his retirement from the bench of the Mobile County Circuit Court. For the past 21 years, Judge Butler has served the families of the State of Alabama with compassion, dedication, and a tremendous level of commitment.

Beginning in 1971, with his appointment as referee for the juvenile court, Judge Butler has devoted his life to the well-being of young people in south Alabama. In addition to his three terms as circuit court judge, he has served 2 decades as the presiding juvenile court judge of Mobile County. Along with his duties on the bench, Judge Butler has also operated the Strickland Youth Center and was instrumental in the creation of area Boys and Girls Club programs, the Camp Martin Leadership Academy, the Girls Reaching Womanhood Thru Healing (GROWTH) program, and Pointe Academy for juvenile offenders. Without fail, Judge Butler has focused a tremendous level of energy and time on his efforts to help young men and women overcome the difficulties of their past and become focused and successful members of their community.

Along with his many professional responsibilities, Judge Butler has also served as a member of numerous statewide juvenile justice programs. This long list includes service as chairman of the Governor's Advisory Council on Youth, a term as president of the Alabama Council of Juvenile and Family Court Judges, and 8 years as a trustee to the National Council of Juvenile and Family Court Judges. His work in these areas, as well as his professional accomplishments, has also resulted in public recognition and many awards during his long years of public service.

Judge Butler is also one of America's proud veterans, having served for many years in the United States Army. Following his graduation

from college, he enlisted in the Army as a private and after a period of outstanding service received a direct commission as a second lieutenant. A veteran of the war in Vietnam and the recipient of the Bronze Star and nine other medals, Judge Butler retired as a colonel from the United States Army Reserve in 1995.

Mr. Speaker, I ask my colleagues to join me today in recognizing Judge John Butler for his tremendous contributions to the citizens of the First Congressional District of Alabama. The experience and enthusiasm he brought to his job and the concern and compassion he displayed for the young people of the region are unquestioned and unparalleled. He has indeed been a genuine asset both to the circuit court and to the thousands of men, women, and children he has assisted over the past 2 decades. I am proud and honored to call him my friend.

Make no mistake, the judge's talents and experience on the bench will be sorely missed, but I am confident he will continue to remain actively involved in the life of the Mobile community for many years to come. Along with his friends and colleagues throughout Alabama, I wish to extend to Judge Butler and his family all the best now and in the future.

IN TRIBUTE OF DOROTHY POTTER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, it is my honor to rise and commend one of Western North Carolina's and Buncombe Counties finest citizens, the late Dorothy A. Potter. Dot, as she was fondly called by her many, many friends and acquaintances, passed away on November 8, 2003. She was a wonderful woman, who worked tirelessly for not only the Republican Party, but also to educate others about this great country's political system in general. I doubt there was ever an election that Dot did not participate in, in some shape, form or fashion.

Dorothy Belle Alexander Potter was born Feb. 24, 1920, in Charlotte, the youngest daughter of the late Robert Lester and Cynthia Welch Alexander. She was a direct descendant of Hezekiah Alexander, a signer of the Mecklenburg Declaration of Independence and a founding father of Charlotte. She was a classmate of the Rev. Dr. Billy Graham at Sharon High School and graduated in 1936. She earned a B.S. in library science from Queens College in 1940. Mr. and Mrs. Potter moved to Asheville in 1948.

Mrs. Potter was an energetic, founding member of the Buncombe County Republican Party and remained active in area politics for the majority of her life. She was vice chairman of the Buncombe County Republican Party for 16 years. Mrs. Potter served in many campaigns including the historic 1969 City Council Race, electing a Republican majority and Wayne Montgomery, M.D., as mayor, the 1972 gubernatorial race electing Jim Holshouser as the first Republican governor in North Carolina since Reconstruction and the 1980 election of Bill Hendon to the U.S. House of Representatives.

Mrs. Potter was chairman of the Governor's Western Residence Committee during Gov.

Holshouser's tenure. She served as deputy Clerk of Court in Buncombe County and was a valued member of former Rep. Hendon's district office until 1983. She was also the Buncombe County Chairman for the 1992 election of President George H.W. Bush.

Mrs. Potter was a charter member of Westminster Presbyterian Church, where she was an Elder and served as a member of the Session. She was also a member of the board of directors for the preschool. She was the last living charter member of the Buncombe County Republican Women's Club and a lifetime member of the North Carolina Republican Women's Club. She was also a member of Phi Mu women's fraternity and was a member and officer of the Sky-Hy Chapter of the American Business Women's Association.

She is survived by her husband of 60 years, Lt. Col. Wesley J. Potter (ret.); daughters, Dr. Cynthia Potter Smith and husband, Durham, of Lake Wylie, S.C., and Lynda Potter Fagan and husband, Michael, of Asheville; granddaughter, Shanon Fagan of Asheville; grandson, Matthew Smith and wife, Sonya, of Clover, S.C.; and granddaughter, Erin Fagan of Washington, D.C., and Asheville.

Mrs. Potter is also survived by three great-grandchildren; a niece, Sally Pollock and a nephew, Robert Suther, both of Washington state and a great-nephew.

IN HONOR OF WALTER COMEAUX

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. JOHN. Mr. Speaker, I would like to take this opportunity to extend my hearty congratulations to Walter Comeaux, a friend and colleague from my district, upon the completion of 30 years of public service. In that time, Mr. Comeaux has dutifully served the people of Lafayette Parish and exemplified what it truly means to be a servant of the people.

Mr. Comeaux has spent more than half of his life working to better the local government in Lafayette Parish. He began as a young City Council member in Broussard, Louisiana, and then as member of the Lafayette Police Jury, including 4 years as president of that body. However, his greatest political accomplishment came as the Lafayette City and Parish governments consolidated in 1996. He was elected as the first City-Parish Council President and charged with the difficult task of making the newly formed government operate smoothly. As the first chief executive of the City-Parish government, Mr. Comeaux excelled; and 4 years later his constituents returned him to office. In his 8 years as president, he made countless improvements to the parish infrastructure while working to craft an efficient and responsive local government.

At the end of his career of service, I have no doubts that Lafayette is a better place to live due in large part to his efforts. I know that he is looking forward to more time with his family and friends, but his departure will certainly be a loss. I applaud his success and appreciate the time and commitment he has given as a public officer.

CONGRATULATIONS TO ED SWAN ON THE OCCASION OF HIS RETIREMENT FROM THE SOCIAL SECURITY ADMINISTRATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Ed Swan on the occasion of his retirement from the Mobile district office of the Social Security Administration. For the past 30 years, he has served the families of the State of Alabama with compassion, dedication, and a tremendous level of commitment to the men, women, and children served by the Social Security Administration.

Beginning in June 1973, with his first assignment to the Social Security office in Mobile, Alabama, Ed Swan worked for 3 decades in a succession of representative and supervisory roles in five Social Security offices throughout the State. His outstanding record as a service representative, claims representative, operations supervisor, branch manager, and management assistant in the Social Security system resulted in positive results for the many families who benefited from his efforts. Additionally, the work ethic he displayed resulted in his receiving numerous citations and awards, including a Regional Commissioner's Team Citation for his work with the Disability Claims Manager pilot program in Mobile.

Ed Swan is also one of America's proud veterans, having served in the United States Navy with distinction while assigned to Air Squadron 27 on board the aircraft carrier USS *Intrepid*.

Mr. Speaker, I ask my colleagues to join me today in recognizing Ed Swan for his tremendous contributions to the citizens of the First Congressional District of Alabama. The experience and enthusiasm he brought to his job and to the Social Security Administration will indeed be missed, but I have no doubt he will turn his talents to many other positive pursuits in the days and months to come. Ed has indeed been a genuine asset both to his agency and to the thousands of men and women he assisted over the past 3 decades, and I have been proud to call him my friend.

Along with his many friends and colleagues throughout Alabama, I wish to extend to Ed Swan; his lovely wife, Cynthia; and their children, Jason and Kellie all the best in the months and years ahead.

HONORING PATRICIA GARMAN AS CENTRAL FAIRFAX CHAMBER OF COMMERCE BUSINESS LEADER OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Patricia Garman as Central Fairfax Chamber of Commerce Business Leader of the Year.

Ms. Garman, known to friends and colleagues as Patt, is widely respected throughout the Fairfax business community. Honest

and reliable, with business savvy, Patt has proven to be an incredibly effective businessperson. She gives every venture her all and is always ready to take on new challenges. Moreover, Patt sees every project through until completion, producing consistently impressive results.

Patt heads a team of four investment advisors at Capital Planning & Investments, Inc., her own successful, independent advisory firm. CPI offers a variety of financial solutions for local businesses and individuals, including customized investment and insurance advice on an hourly and ongoing basis.

In addition, Patt is highly involved with the Central Fairfax Chamber of Commerce. She serves on the CFCC Board of Directors and Small Business Committee, and through the CFCC, she has become treasurer of the city-wide Chocolate Lovers Festival Committee.

While in these positions, Patt has had numerous notable accomplishments. For example, she created a program in which CFCC breakfast seminars would pay for themselves. Through her table-top display program, Patt personally works with CFCC members to attract and schedule sponsors for the seminars. The popularity of Patt's program has enabled it to continue in the upcoming year.

Patt also was responsible for computerizing CFCC files for easy recording, implementing an aggressive budget and achieving Not-for-Profit status. These successes are indicative of her commitment, drive and character. Patt likes to make things happen and motivates others with her infectious spirit. When she sees needs, she addresses them, rallying others around her to turn visions into reality.

All things considered, Patt's special honor truly is well deserved. Over the years, she has made a lasting impact on the CFCC and greater Fairfax business community. She is an accomplished businessperson who successfully leads others through example. I ask that my colleagues join me in applauding Patricia Garman and congratulating her on this distinguished achievement.

EUROPEAN UNION'S UNITED
STAND AGAINST DRUG ABUSE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. SOUDER. Mr. Speaker, I rise today to recognize and applaud the European Union for agreeing to toughen antidrug laws and urging actions to end drug tourism to the Continent.

After more than 2 years of negotiations, EU ministers reached a landmark agreement on November 27 to toughen antidrug laws and to harmonize the Continent's laws to make the bloc more efficient in the fight against illegal drugs. The laws cover all types of drug-dealing, ranging from local networks to large-scale international operations.

Under the agreed rules, offering, selling or producing drugs would be sanctioned with maximum jail terms of at least 1 to 3 years. In cases involving large-scale international drug trafficking, sanctions should be at least 5 to 10 years. Member states also agreed on a declaration stressing the importance of fighting drug tourism.

The EU's united stand against drug abuse strengthens global efforts to prevent drug abuse and to put away drug pushers and others, including terrorists, who financially benefit from destructive drug addiction.

It is disappointing that the EU agreement will allow the so-called "coffee shops" in the Netherlands, where marijuana can be legally abused, to remain open. I am, however, encouraged that the Netherlands is investigating possible approaches that would end U.S. drug tourism to Amsterdam.

Dutch Justice Minister Piet Hein Donner has stated that the Netherlands Government is considering rules under which "coffee shops" would only be allowed to sell drugs to Dutch residents as part of its obligation to dissuade tourists from going to Amsterdam for drugs. Under his proposal, only Dutch residents with identity cards would be allowed to use the cannabis cafes. This move would protect Americans visiting Amsterdam from the dangers of engaging in drug abuse. Currently, foreign tourists, including Americans, make up about 40 percent of the "coffee shop" sales in Amsterdam, according to the London Times.

I also hope that this agreement will further our international efforts to control the trafficking of ecstasy and other dangerous synthetic drugs. In recent years, traffickers have set up their illegal manufacturing operations in countries like the Netherlands in hopes of avoiding tough penalties if they are caught. This agreement should send a clear signal to the cartels that Europe and the U.S. will continue to work together to break up these international drug rings.

Furthermore, I am encouraged that the Netherlands has also agreed to increase its sanctions for the possession of small quantities of marijuana to a year from 1 month. These are important steps that I hope will eventually lead to stiffer penalties for all drug abuse.

It is increasingly clear that every nation must play a role in educating the public as to why drug abuse is harmful and in preventing drug addiction. As long as one country tolerates the production, sale or distribution of any illegal drugs, other nations, communities and families are vulnerable to the threats caused by drug abuse that is easily transported across borders.

The EU's commitment to not tolerate drug abuse and drug tourism protects not only the families and communities of Europe, but also families and communities here and elsewhere in the world.

Again, I applaud this agreement and look forward to working with these and other countries to further strengthen international drug laws and to protect children from the dangers of drug abuse and addiction.

HONORING COMMANDER WILLIAM
"BILL" ATKINSON

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Commander William Atkinson of the Merced County Sheriff's Department. Commander Atkinson has been with the department since July 6, 1976, when he began his

career as a correctional officer. He was responsible for the overall security of the Merced County Rehabilitation Center.

Commander Atkinson's work ethic was recognized, and he quickly moved up the chain of command. In 1979, he was promoted to the rank of corporal and was reassigned to the Merced County branch jail. After being assigned to the Merced County main jail in 1981, Commander Atkinson was responsible for supervising booking procedures and the health and welfare of the inmates. For 5 years, Commander Atkinson gathered statistics for a work furlough program and supervised a work-in-lieu pilot program, which required him to submit the policy and procedure to the Merced County Board of Supervisors.

Commander Atkinson continued to demonstrate his work ethic for the department and was assigned to the Main Jail Division as a facility manager in September 1995. He assumed all duties and responsibility for the division, as well as ensuring the facility was in compliance with the Board of Corrections guidelines, exceeding Health Department standards and State fire marshal inspections.

In 1999, Commander Atkinson was nominated by his peers for Officer of the Year. His years of hard work for the Merced County Sheriff's Department did not go unrecognized, and his peers selected him as their 1999 Officer of the Year. Soon after, he was promoted to sergeant and reassigned to the Sandy Mush Adult Correctional Facility as a shift supervisor, and then in May of 2001 he was promoted to senior sergeant. He displayed true dedication while supervising the Work Release/Classification Unit and was responsible for reviewing applications for eligibility for work release programs.

Finally, in November 2002, Commander Atkinson was promoted to his current rank and supervises the activities and employees of a correctional facility for the Merced County Sheriff's Department. As commander, he provides direction to subordinates and is responsible to take necessary action when alerted to emergencies or potentially dangerous situations.

Commander Atkinson will retire on January 23, 2004. I ask all of my colleagues to help me thank Commander Atkinson for his devotion and loyalty to the Merced County Sheriff's Department, the State of California, and our Nation. I am honored to call Bill my friend, and I wish him a very happy retirement.

IN HONOR OF JOE WATSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Joe Watson on being the 2004 recipient of the Monterey Peninsula NAACP Branch's highest award, The President's Award. This award is being presented to Mr. Watson for his lengthy and outstanding service, dedication and contributions to the Monterey Peninsula Branch of the NAACP.

Mr. Watson was born July 21, 1944, in Wilcox County, the town of Camden, Alabama during the height of Jim Crow segregation. The degradation that African Americans underwent during that period left an indelible imprint on Joe's life, resulting in a lifetime commitment for fighting for equal rights and social

justice for all people. He graduated from Camden Academy High School in 1962 and entered the Armed Forces that same year, spending one tour of duty in Vietnam.

After his tour in Vietnam, in which he was honorably discharged from the army, Mr. Watson relocated to the Monterey Peninsula, taking up residence in Seaside in 1966. While working for the Firestone Tire and Rubber Company in Salinas, Joe was elected to the executive board of the local United Rubber Workers Union, AFL-CIO, and served on that board until 1980 when the plant closed. He took his union leadership with him when changing careers to a meat cutter, becoming first a member and then the leader of the United Food and Commercial Workers Union, Local 506. As shop steward and as an executive board member of the UFCW local, Joe was instrumental in bringing a civil rights activist's approach to dealing with issues and negative actions by employers against members of his union in their respective work places. Mr. Watson was greatly admired by co-workers who saw him as an unafraid union leader who was totally committed to standing up for them and working in their interest.

During the mid-1970's, Mr. Watson became a member of the Monterey Peninsula Branch of the NAACP. Elected almost immediately to the Branch's Executive Committee, due in no small part to his union activism, Joe took over the Branch's Labor and Industry Committee. There he had the responsibility of resolving issues involving complaints of discriminatory practices in hiring, on the job treatment and terminations. Over the years, the Branch received recognition for the outstanding work Mr. Watson and that committee carried out in this area of work, including negotiating a National NAACP-sponsored "Fair Share Hiring Agreement" with the local stores owned by Albertson's, committing these stores to hiring, retaining and promoting minorities.

In 1994, Mr. Watson was elected as President of the Monterey Peninsula Branch of the NAACP, serving until 2000. During his tenure as President, Joe continued to lead the Branch in dealing with issues of police abuse against minorities, hate crimes on the Peninsula and continued to strengthen the ties between the Branch and organized labor in this county. Joe has laid the groundwork for the kind of activism in our branch that continues to be followed and emulated by those who have come after him. True to his tradition as an activist, Mr. Watson continues his lifelong commitment to the struggle for and protection and extension of civil, labor and equal rights and social justice, making him most deserving of this award.

COMMEMORATING THE BICENTENNIAL ANNIVERSARY OF JEFFERSON TOWNSHIP, MORRIS COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the Bicentennial Anniversary of the Township of Jefferson, County of Morris, in my home state of New Jersey.

Beautiful Jefferson Township encompasses 42 square miles of mostly pristine forests and

lakes. It is home to New Jersey's largest freshwater lake, Lake Hopatcong, among many others, and the idyllic Mahlon Dickerson Reservation in the protected New Jersey Highlands watershed region.

When Jefferson Township was founded in 1804 by separating itself from the Townships of Roxbury and Pequannock, there were quiet farms and noisy mines linked by dirt roads. In time, the railroads came and by the turn of the century, they brought "summer escapees" from the cities who treasured Jefferson's scenic beauty, many lakes and its clean, cool, country surroundings. Summer resorts and campsites flourished in the area. After World War I, automobiles appeared on Jefferson's newly paved roads bringing with it scores of summer residents. And after the second World War, young families were looking to leave the metropolitan areas and began moving westward in New Jersey to inviting municipalities like Jefferson Township.

Today, Jefferson Township is still a blossoming community with a population approaching 20,000. While the once-thriving summer resorts are gone and most summer cottages have been converted to year-round residences, many tourists still make the trek to Jefferson Township to enjoy the vast open space of the Morris County Park System, protected watersheds and recreation activities on the region's numerous lakes. Indeed, lake communities still prosper throughout the Township bringing a unique sense of community to all of those who live in them.

Jefferson Township's municipal leaders have carried on a tradition of being good stewards of the area's natural resources. Through determined efforts to preserve some of New Jersey's most precious open space, Jefferson Township has been able to balance development by being an active partner in the acquisition of hundreds of acres of parkland, woodlands and watersheds.

Mr. Speaker, for the past 200 years, Jefferson Township has been a community which has brought Morris County and New Jersey great pride. No doubt the municipality will certainly continue to do so in the years to come. I congratulate the citizens of Jefferson Township on their special anniversary year, and urge all my colleagues to join me in wishing them well.

HONORING BEULAH HEIGHTS
FIRST PENTECOSTAL CHURCH
ON THE CELEBRATION OF ITS
80TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to one of the most respected houses of worship in the city of New Haven, Beulah Heights First Pentecostal Church. This year marked the 80th anniversary of this tremendous church, throughout which time the leadership and its members have left an indelible mark on our community.

Originally called the Beulah Heights Mission, the ministry was founded in 1923 by Walter and Rosa Andrews. In its humble beginnings, the church was located in a converted store-

front and boasted a modest membership. Over the years and through the changes in leadership, the ministry steadily grew and eventually found a permanent home on Orchard Street. Over the course of its history, the Beulah Heights Pentecostal Church has developed a reputation as a leader in the religious community. Through its leadership and the commitment and enthusiasm of its membership, the Beulah Heights Church has made a real difference in the lives of many.

Our churches play a vital role in our communities, providing people with a place to turn for comfort when they are most in need. By strengthening the bonds of faith, the Beulah Heights First Pentecostal Church gives its members a place to find their spiritual center and to solidify and support their values. The members of the Beulah Heights First Pentecostal Church have also given much to the city of New Haven. Throughout the years, as their membership grew, so did their commitment to the enrichment of our community, transforming neighborhoods one block at a time.

Currently headed by Bishop Theodore Brooks, a man whom I am proud to call my friend, Beulah Heights Church has taken on a great mission of neighborhood revitalization. It has erected an educational wing which is utilized by the New Haven Board of Education for its Urban Youth Elementary School for troubled youth. Founded by Bishop Brooks in 1994, its development subsidiary, Beulah Land Development Corporation, is responsible for the construction of 20 units of affordable housing and 12 units of supportive housing for senior citizens. Through these and other projects, they are bringing renewed security and stability to this neighborhood. I have every confidence that they will continue to do great things for the Dixwell neighborhood of New Haven.

In the last 8 decades, the Beulah Heights Pentecostal Church and its membership have made invaluable contributions of the city of New Haven, changing the face of our great city. I am proud to stand today and extend my very best wishes to them as they mark this milestone in their history.

Happy 80th anniversary!

HONORING MS. DAWN KINNEY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor a model citizen from the 18th Congressional District, Ms. Dawn Kinney. She is being honored by the Merced County Chamber of Commerce for her service as their president for the past year. I know Dawn has worked hard on their behalf, and for the betterment of local businesses in Merced County. It is my pleasure to help the County Chamber recognize a wonderful woman, and a very good friend.

Dawn was born in Albany, Georgia and was raised throughout the United States while her father served in the United States Air Force. While living in Bossier City, Louisiana, she graduated from Bossier High School, and then went on to attend Louisiana State University in Shreveport. Soon after, Dawn moved to

Merced, California in March of 1975 to attend Merced College.

In May of 1978, Dawn was hired by Mr. Bob Ayers to work for Transamerica Title. Dawn had previously been employed as a legal secretary in Louisiana and California before joining Mr. Ayers and his staff. She worked hard with Mr. Ayers, and was asked to remain a part of the team after the company was purchased and renamed Transcounty Title. Currently, she is the Vice President and County Manager of Transcounty Title Company.

Since 1987, Dawn has been a member of the California Escrow Association, and was designated as a Certified Senior Escrow Officer by the Association in June of 1989. She became more involved with the Association and served as State Director of the California Escrow Association from 1995 to 1997. For her determined work ethic, she was awarded the Olga Mitchell Rookie Director of the Year Award in 1995.

Always one to take on a new challenge, Dawn participated and graduated from the Greater Merced Chamber of Commerce Leadership Merced Program in June of 1999. This is a vital, voluntary program open to business leaders in Merced County. She has been involved with the County Chamber for many years, as a member on the Board of Directors, and holding a number of vital posts such as Secretary, Vice President, and finally as their President. Dawn's son, Christopher, is a junior at Merced High School and is a Varsity swimmer.

Mr. Speaker, I ask that my colleagues help me honor Dawn today for her hard work as President of the Merced County Chamber of Commerce, and commitment to ensure Merced County has a bright and prosperous tomorrow. I am honored to call her my friend, and to recognize her for all of her accomplishments.

HONORING PAUL AND SHARON
ELERICK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. FARR. Mr. Speaker, I rise today in honor of Paul and Sharon Elerick, one of the most active and dynamic couples I have ever known. For over 30 years, the Elericks have selflessly donated their time, resources and often their home, in hopes of electing laudable candidates to represent the community of Santa Cruz. Paul and Sharon share their time with many charitable organizations and community advocacy groups, but their hearts and souls remain dedicated to supporting and promoting the Democratic Party. It is my honor to recognize them as the "Democrats of the Year" by the Santa Cruz County Democratic Central Committee.

Paul and Sharon have embodied the spirit of the Democratic Party since the beginning of their relationship in 1958. Paul's involvement with politics started when he cast his vote for President Kennedy. Since then, he has steadily risen through the ranks of the local Democratic chapters, ultimately serving a successful 5-year term as the chair of the Santa Cruz County Democratic Central Committee. Sharon began her own political activism by orga-

nizing voters for Hubert Humphrey's presidential campaign. She has also served on the executive board of the Democratic Women's Club of Santa Cruz for several years. Both Paul and Sharon deserve enormous credit for securing vital funding for important local projects as well as sustaining the successful campaigns of many of our current legislators, including myself.

Mr. Speaker, on behalf of the United States Congress, I congratulate the Elericks for being rewarded "Democrats of the Year." I would also like to express my gratitude for their commitment to the community. The fruits of their years of dedication extend far beyond political appointments and we are grateful for their extensive contributions.

COMMEMORATING THE 130TH ANNIVERSARY OF THE MORRIS CENTER YMCA OF MORRIS COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 130th Anniversary of the Morris Center YMCA, of Morris County, New Jersey.

Since January 2, 1874, the Morris Center YMCA has provided programs essential to the people of Morris County. The 172 Founding male members first gathered in four rented rooms located in the Old Post Office in Morristown. In 1889, the Board of Directors dedicated a new building that included a gymnasium, classrooms, bowling alleys and a game room. A third building was dedicated in 1913 in Morristown that included a wing exclusively for women. But by 1968, however, it became clear that a new building was needed and plans were made to begin construction.

On March 1, 1981, the grand opening of the newly completed fourth home of the Morris Center YMCA took place in Cedar Knolls. The Center featured a 25 meter swimming pool, gymnasium, track, racquetball courts, weight rooms and a fitness center. Over the years, renovations have been made to the building, bringing more programs to people of all ages in Morris County. In 2002, renovations were completed to update and expand the Y to include a larger fitness room, youth classrooms, and much more.

Caring for children has always been an important specialty of the Morris Center YMCA. In 1985, the YMCA added an in-house After-School Care program. Later in 1988, the Center opened the Y's Owl's Child Care Center which provided care to approximately 130 children each day. September 2003 celebrated the new home of the Y's Owls, now the Richard F. Blake Children's Center, which is located in a newly renovated building next to the YMCA creating a 13 acre campus. The Children's Center now accommodates over 215 preschoolers.

The Owl program received national accreditation by the National Association for the Education of Young Children. Building on the reputation of the Y's Owl Child Care Center, the Morris Center YMCA was selected to create and manage the childcare center of the Morristown Memorial Hospital and opened the Children's Corner in the Fall of 1996.

The Morris Center YMCA currently has over 400 volunteer members comprising the Board of Directors, all of its committees and program leaders. These volunteers are the heart of the Morris Center YMCA, working in all aspects of the organization. In short, the Center is people caring for people, not just buildings and equipment.

Mr. Speaker, for the past 130 years, the Morris Center YMCA has provided the citizens of Morris County with programs that benefit all those who participate. I ask that you and my colleagues join me in congratulating all past and present members of the Morris Center YMCA on this special anniversary year.

HONORING MR. JOHN PAZIN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Mr. John S. Pazin. John is not only a wonderful friend to Merced, California, but to my family and I as well. The Merced County Chamber of Commerce is awarding John's business, Pazin and Myers, Inc., with the 2003 Business of the Year award, and I know this fine honor is well deserved.

Born and raised in Merced County, John has always put his family first. He married Nada in October of 1954. Since then, John has spent the last fifty years as a faithful husband, loving father, and mentor to his four children. John also makes time to spoil his eight grandchildren.

John's second love is for his country and community. In 1951, he decided to serve his country, and enlisted in the United States Army. He served in the Korean War, and for his service and courage in battle he was awarded the Bronze Star.

When John returned to the United States, he went to work on his family's dairy in Merced, California. He worked on the dairy until the early 1960's when he felt it was time to begin a new chapter in his life. He was led to a local fuel company, and began transporting fuel to customers. He worked for the company until 1963 when he was able to purchase his own fuel business.

John's company has experienced some great changes over the years. From name changes and buyouts and even structural reconfigurations, the one thing that has remained a steady fixture and pillar of strength to his company is John. He, along with Mr. Jim Myers, has developed a successful and dependable business in Merced County, Pazin and Myers, Inc. They are the model for other business owners in the area as they have learned to endure the best and worst that owning a business can offer. Their work ethic and positive attitude has made them business leaders in Merced County.

Not only is John a dedicated family man and business leader but he is passionate to make Merced County a better place to live for future generations. As past President and member of the Merced Boosters, and Past President and Member of the Merced County Chamber of Commerce, John is able to combine his business experience and his commitment to community to lead Merced into the 21st century. As a member of the Merced Elks

Lodge, he was awarded their 2003 Member of the Year Award, again proving that he is an invaluable asset to our county. John was appointed by Governor Pete Wilson to serve on the 35th Agricultural Fair Board. This position allowed John to give back to the agricultural community in Merced County.

I am delighted to recognize all of John's achievements and thank him for his service to our community, the State of California, and our country. As a family man, businessman, and civic leader he truly is an example for others to follow.

IN MEMORY OF RUTH VREELAND

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. FARR. Mr. Speaker, I rise tonight in the hallowed halls of Congress to pay tribute to a colleague in public service, Monterey City Councilwoman Ruth Vreeland, who was killed in an auto accident on Highway 101 in Southern Monterey County.

What a loss! This 68-year-old woman had the energy of one hundred locomotives. Involved in everything—teacher, statewide education activist, 20 year City Councilwoman, statewide League of Cities Activist, Democratic Party Activist, mother, member of various boards. . . . She was always there, always prepared, always wanting to do more.

Born in Chunking, China, she grew up in Szechwan province where her parents worked as medical missionaries. Returning to Toronto, Canada in 1940, and moving to San Francisco where her parents taught at the University of California-Berkeley, Ruth earned a bachelor's degree in arts and education from San Francisco State University. She also met her husband, Dick Vreeland, there and then continued on to the University of San Francisco to earn a Master's Degree in organization development.

In 1956, she moved to the Monterey Peninsula to teach school, and was elected to the Monterey City Council with the intention of protecting the quality of life in the City of Monterey. "This town is more than buildings and streets, first it is people," she wrote in her campaign statement. She championed the tearing down of waterfront buildings so that people could see the Bay where California began. She replaced buildings with parks and recreational trails, now the highly successful "Window on the Bay Project."

She served in a variety of leadership positions including the League of California Cities Board of Directors, Institute for Local Self-Government, the 20th District Parent-Teacher Association, Monterey Bay Task Force, Quota International, Women in Municipal Government; Friends Outside of the Monterey County, and the Overall Economic Development Committee of Monterey County. She was also a Volunteers in Action Board Member, a Monterey City Council member since 1983, an alternate in the Monterey Bay Sanctuary Advisory Council and a former president of the Association of Monterey Bay Area Governments (AMBAG), the Monterey Peninsula Concert Association and the Winnie the Pooh Chapter of the Children's Home Society.

She was also involved with various organizations, including the Monterey Vista Home-

owners Association, Community of Caring, League of Women Voters, American Association of University Women, California Teachers Association, Monterey Bay Teachers Association, Responsible Hospitality, California Elect-ed Women's Association for Education and Research, Monterey Main Street Program, National Organization of Women, Old Monterey Preservation Society, Sierra Club, ACLU, State Theater Preservation Group, Monterey Civic Club, Monterey History and Art Association, American Association for Retired Persons, California Retired Teachers' Association, and the Unitarian Church.

Throughout her life, many of these organizations honored her outstanding commitment and service to our Bay community with awards. The Volunteers in Action honored her community service, the Sierra Club honored her for Outstanding Achievement, Planned Parenthood named her an Outstanding Woman in Politics, and the Monterey Rotary named her an Outstanding Teacher. Furthermore, the Fisherman's Wharf named her Wharf Rat of the Year in 1995, the California Democratic Party recognized her for Outstanding Service, J.C. Penney gave her the Golden Rule Award and the Old Monterey Business Association recognized her for Exceptional Dedication. The Monterey Civic Club honored her for being a Community Volunteer and finally, the Association of Monterey Bay Area Governments recognized her for her 20 years of service.

As I mentioned earlier, and as you can see from this lengthy list of accomplishments, Ruth was always moving, always involved. Her friends wondered if she ever had time to sleep. She adored her family and always seemed to be on her way to visit a child. In fact, the tragic accident that led to her death occurred as she returned from visiting one of her three daughters, Lauren, Amy and Melissa. Between the three of them they have seven of Ruth and Dick's grandchildren.

Ruth and Dick's home blended elements of Ruth Vreeland's youth in China with the Japanese culture that Dick Vreeland picked up in the Army. She cooked Chinese food and raised the children to use chopsticks. A proud naturalized citizen from Canada, Ruth also instilled civic values in her daughters. "She believed in this country because she was naturalized in it and she taught me what patriotism is," her daughter said.

Throughout her life, Ruth tackled the large-scale problems that had always energized her. The Sierra Club recognized her in the 1980's for fighting offshore drilling and sewage spills. She traveled to Sacramento and Washington to promote education and local government, rising to leadership roles I previously mentioned with the Association of Monterey Bay Area Governments and the League of California Cities.

Ruth was active in Democratic Party politics and was not afraid to bring progressive political causes to Monterey. She challenged the city in 1988 for not having enough women and minorities in management positions, and a decade later she discouraged the council from subsidizing the Boy Scouts because of its exclusionary policies toward gays.

In the months before her death, Vreeland's last big project was saving education and local government in the face of California's budget crisis, a problem epic enough to discourage even the most ardent community activist.

But not Ruth Vreeland.

America will miss her. She came to this country to do good—we are all better for it and will miss her forever.

HONORING MR. MIKE SALVADORI

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor a great friend not only to the 18th Congressional District but to my family and I, Mr. Mike Salvadori. The Merced County Chamber of Commerce is honoring him as the 2003 Ambassador of Goodwill, and I know this is a well-deserved honor.

Mike was born on December 2, 1936 in Merced County. He had the good fortune to be raised on his parent's dairy. Dairy work is not easy, and Mike quickly learned he had to work hard to be a success. Along with his brother and two sisters, the Salvadori family was taught to value and respect their neighbors and surrounding community. These two important life lessons are what have shape Mike into a caring citizen.

After attending Modesto Junior College, Mike made the decision to serve his country. He enlisted in the United States Army, and he served our Nation for 2 years. Soon after, he met his wife Jeanne and the two were married in 1960.

The Salvadori's made a home in Merced County and worked on his father's dairy where they enjoyed the experience of milking cows and riding horses together. Continuing his interest with the dairy business, Mike took a job with Berkeley Farms and the couple moved to San Jose.

After a brief stint at Berkeley Farms, the two moved back to Los Banos, California where Mike then took a job with Wonder Bread. In 1963, Mike and Jeanne bought Bi-Rite Liquor Store in Merced, California. Mike and Jeanne were dedicated to turning their new investment into a success. They stayed focused and were soon able to open a new store.

While Mike was now successfully running his own business, he became interested in real estate. Through his good friend, Lou Gonella, he was able to begin selling real estate in Merced County. Always the entrepreneur, Mike opened his own real estate office in Merced—Century 21 Salvadori Realty in 1975.

Not only is Mike a very successful business man, but he is an incredible leader in our community. Always willing to lend a helping hand to any organization or charity, he has earned himself the respect of all of his neighbors and friends. As part of the Merced County Chamber of Commerce, the Italo American Lodge, and Kiwanis, he and his family have proven their dedication to all in our community.

Mike's second passion in life is cooking. Merced residents know that if there is a large community event, they will find Mike cooking his famous pasta. Local organizations can always count on Mike to help cook for their events. He truly has a warm place in the hearts of locals who couldn't go without his services, or his wonderful meals.

Along with his wife and two sons, Michael and Paul, I am honored to recognize the dedication of Mike to our community. He is truly an

example for others to follow and I am proud to call him my friend.

INTERNATIONAL CUSTOMS DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CRANE. Mr. Speaker, I rise to congratulate the U.S. Bureau of Customs and Border Protection on the 51st anniversary of International Customs Day. On January 26, 1953, the World Customs Organization, formally known as the Customs Co-operation Council, held its first meeting in Brussels, Belgium. At this meeting, the Council designated January 26 as International Customs Day in order to recognize the role that customs services around the world play in facilitating trade while protecting national borders from importations posing security threats.

Finding this balance is particularly difficult given the challenges our country currently faces. It will be important for the Bureau of Customs and Border Protection to continue to offer the world class level of trade service and facilitation that U.S. business has come to rely on while ensuring that security needs are addressed. It will also be important to maintain the revenue collection linkage with the Treasury Department that has historically been so significant.

At one time, the Bureau of Customs and Border Protection, then the Customs Service, was the sole revenue producer for the young United States. Although that role has diminished over the years, Customs collected a record \$23.8 billion in revenue in fiscal year 2002. Today, Customs is still a major source of revenue for the Federal Government, returning about \$8 to the taxpayer for every dollar appropriated by Congress.

For nearly 125 years, Customs funded virtually the entire government and paid for the nation's early growth and infrastructure. The territories of Louisiana, Oregon, Florida and Alaska were purchased; the National Road from Cumberland, Maryland, to Wheeling, West Virginia, was constructed; and the Transcontinental Railroad stretched from sea-to-sea. Customs collections built the nation's lighthouses, the U.S. military and naval academies, and the City of Washington, and the list goes on. In 1835, Customs revenues alone had reduced the national debt to zero.

Customs was the parent or forerunner to many other agencies. In the early days, Customs officers administered military pensions (Department of Veterans Affairs), collected import and export statistics (Bureau of Census), and supervised revenue cutters (U.S. Coast Guard). Customs also collected hospital dues to help sick and disabled seaman (Public Health Service) and established standard weights and measures (National Bureau of Standards).

During the first stages of the response to the terrorist attack on September 11th in New York and Washington, D.C., Customs quickly assumed a leading role. The international nature of the terrorist threat means that international customs cooperation has become vitally important. In January 2002, Customs initiated the Container Security Initiative (CSI), which allows Customs officials to screen con-

tainers at designated foreign seaports. In CSI's first year alone, Customs reached agreement with 15 governments to place Customs personnel at 24 ports.

The Bureau of Customs and Border Protection also works with customs officials in foreign governments through the auspices of the World Customs Organization, which speaks for 161 Customs administrations drawn from every continent and representing every stage of economic development. The United States has been a member since November 5, 1970.

WCO Members are responsible for ensuring that more than 98 percent of international trade is conducted in compliance with national legislation and international agreements. The WCO renders technical assistance in areas such as customs tariffs, valuation, nomenclature, and law enforcement. Its objective is to obtain, in the interest of international trade, the best possible degree of uniformity among the customs systems of member nations. America benefits when both exporters and importers operate in an atmosphere of simple unambiguous customs operations around the world.

I want to take this opportunity to congratulate the U.S. Bureau of Customs and Border Protection for its fine work both nationally and internationally, and I look forward to the completion of work within the World Customs Organization to further harmonize and simplify the customs rules that affect international commerce.

HONORING THE NORTH HAMPTON VOLUNTEER FIRE DEPARTMENT

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the contribution of bravery and dedication of an outstanding unit of first responders in my area, the North Hampton Volunteer Fire Department.

The following firefighters reached important career milestones in 2003:

Adam Millstein: 500 career calls.
James Harrington: 500 career calls.
Paul Satzger: 1,000 career calls.
William Bailey III: 1,000 career calls.
Kevin Jordan: 1,500 career calls.
Richard Marsico: 1,500 career calls.
John Kuss: 2,003 career calls.
Albert Hahn: 3,000 career calls.
David Hoburg: 5,000 career calls.

The following firefighters responded to over 100 incidents of fire calls in 2003:

David Hoburg: 455 calls.
Paul Satzger: 346 calls.
Adam Millstein: 321 calls.
Richard Marsico: 307 calls.
Albert Hahn: 305 calls.
Jerry Wittmer: 298 calls.
John Kuss: 267 calls.
John Damski: 255 calls.
Richard Wauchter: 248 calls.
Vincent Conti: 240 calls.
David Primrose: 232 calls.
Chris Wise: 163 calls.
James Harrington: 156 calls.
Mary Primrose: 156 calls.
John Schwend: 146 calls.
William Bailey III: 138 calls.

Josh Rosensteel: 135 calls.

Kevin Jordan: 119 calls.

Clayton Kerrigan: 118 calls.

Drew Leahy: 107 calls.

I ask my colleagues in the U.S. House of Representatives to join me in praising these brave individuals on the commitment that they have demonstrated to their critical mission of responding to fire emergencies.

HONORING MR. KEITH SCHNEIDER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Mr. Keith Schneider for his work as President of the Building Industry Association of Central California.

As outgoing President of the Building Industry Association of Central California, it is only fitting that I take a moment to honor Mr. Schneider's life-long commitment to our community and to the building industry.

Born on November 14, 1948, Mr. Schneider's dedication to his profession has only been surpassed by his dedication to his family. Raised in Eureka, Illinois with his two sisters and parents, Mr. Schneider excelled at school. As a member of the Boy Scouts he was able to earn the merit of Eagle Scout. Mr. Schneider participated in many other activities as he played the banjo and participated in musical competitions and he was also a member of his high school track team and the debate team.

In 1966, Mr. Schneider attended Drake University in Des Moines, Iowa where he graduated with a degree in journalism. After graduation, he entered law school in Chicago in 1970. During this time, Mr. Schneider served two years in the Navy, stationed in San Diego and at the Great Lakes in Chicago.

In 1973, Mr. Schneider worked at the Civil Defense Agency in Springfield, Illinois. He met and married his wife, Carol, two years later in 1975. While in Illinois, he joined the Home Building Association.

In 1981, Mr. Schneider moved to Modesto, California where he became the Executive Officer of the Building Industry Association of Central California until 1990. In 1990, he then joined the staff of the Oakwood Builders until 1993. Mr. Schneider then accepted the position as Development Coordinator for the Diablo Grande and continues in this role by providing housing for this destination resort.

Mr. Schneider's commitment to the building industry as well as to our community is undeniable. He certainly lives up to the motto of the California Building Industry: "We're yesterday's shelter providers, today's problem solvers, tomorrow's dream builders."

It is an honor to recognize all of Mr. Schneider's achievements and to thank him for his service to our community.

HONORING KATHY CLONINGER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mrs. EMERSON. Mr. Speaker, I rise today as co-leader of the Honorary Congressional

Girl Scout Troop to honor Kathy Cloninger, the new Chief Executive Officer of Girl Scouts of the USA. Kathy is fully deserving of the mark of distinction that Girl Scouts of the USA has placed on her as new CEO. She is a proven and respected leader.

Ms. Cloninger has a wonderful, long, and highly regarded history in Girl Scouting. For decades she has been a steadfast advocate for girls. Kathy comes to Girl Scouts of the USA from Cumberland Valley Girl Scout Council in Tennessee where she served as CEO. During her tenure there, she had incredible success increasing membership, especially in under-served communities, and her innovative leadership helped to create some of the most contemporary programming in Girl Scouting. Kathy has been bestowed with many prestigious awards recognizing her for her character and her profound vision.

Most notably, Kathy is a woman with a strong sense of purpose and a commitment to advancing her vision for Girl Scouts. Her goal is to increase the organization's strength as a national, aggressive advocate for girls in this country, and I am certain she will accomplish this goal with grace and ability.

Girl Scouts of the USA is the world's pre-eminent organization for girls, and for 92 years it has been dedicated to empowering girls to grow strong. Over 50 million women, including myself, have been Girl Scouts. Today, the organization continues to address contemporary issues affecting girls and boasts a membership of nearly three million girls and one million volunteers. I am proud to be part of such a remarkable organization and look forward to watching Girl Scouts of the USA grow and thrive under Kathy's leadership.

Mr. Speaker, I ask you to join me in congratulating Kathy Cloninger in her new position and praise her for the exemplary work she has done and will continue to do as the new Chief Executive Officer of Girl Scouts of the USA.

HONORING JOHN ROUNSAVILLE

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. PICKERING. Mr. Speaker, this month begins a new year in which Congress will face new challenges and opportunities. The same is true in Mississippi where Governor Haley Barbour presented his first State of the State Address last night, after his inauguration earlier this month. A new administration requires experienced and talented individuals to shape the policy and politic of the state. Governor Barbour has one of those rising Mississippi stars in John Rounsaville. Today I make these remarks to honor John's service to me, to recognize the challenges we faced together as he now embarks on this new opportunity.

It was January 1999 when John Rounsaville first joined my team. After graduating from Calhoun City High School, he earned a degree in agribusiness and followed that with a Masters of Business Administration, both from Mississippi State University. He came to Washington, DC to work on my staff to address, among others, agricultural issues—a \$4.6 billion industry in Mississippi.

He demonstrated a keen insight on the legislative process and quickly grasped the intri-

cacies of Capitol Hill politics. Quickly, he moved from Legislative Assistant to Legislative Director, and most recently as my Deputy Chief of Staff. Over the years I grew to trust his counsel and respect his instincts as we successfully moved legislation into law, brought appropriations to Mississippi, protected our state's military facilities, and represented the needs of my constituents here in the Nation's Capital.

Now John has returned home to Mississippi and will serve as policy adviser to our new Republican governor. Our office will miss his experience, knowledge, and skills, but Mississippi will continue to benefit from his hard work to the service of our great state.

Governor Barbour has hired a good man. John mastered the practices and methods of success in Washington, but never forgot those Mississippi values taught to him by his parents. John never lost his roots, never forgot his home, and never lost sight of our goal to serve Mississippi. John's heart has always been in Mississippi and now he returns there to continue to advance smart, conservative, positive public policy.

John Rounsaville left a formative mark on the shape and operation of my office. We will miss his good nature, humor, and dedication to his work. But I thank him for his service to this office and to Mississippi.

HONORING CHIEF LARRY D. PLANTS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Chief Larry D. Plants as he retires after 25 years of service as a member of the University Police Services at California State University, Stanislaus.

Born on July 1, 1952, Chief Plants has spent his life as a public servant to our community. After obtaining an Associates Degree in Police Science from Butte Junior College he went on to receive a Bachelors Degree from California State University, Stanislaus in Organizational Communication.

As a police officer with the City of Modesto Police Department and then with the City of Reno Police Department, Chief Plants earned the respect of his fellow law enforcement officers. Always a professional, he was then hired by CSU, Stanislaus as a member of the University Police where he excelled and earned the respect of students, faculty, and fellow officers. He was then promoted as Chief and Director of Public Safety. At this post, he was responsible for the Office receiving nearly \$1 million in grant funds.

Not only has Chief Plants been a dedicated member of the CSU Public Safety Department but also to his profession. He is a member of the Central Sierra Police Chiefs Association and the International Association of Campus Law Enforcement. Chief Plants has also been the Past President of the Stanislaus County Peace Officers Association and served as the 2003 President of the Stanislaus County Law Enforcement Executives.

Chief Plants is an extremely dedicated member of the community. Further evidence of this commitment is his involvement in civic

organizations such as the Civitan Club, Theta Chi Fraternity, and the Evangelical Free Church.

Chief Plants' career as a dedicated police officer and community leader is a testament to his character. While being Chief of his Department was his second biggest honor in life, he quotes his first biggest honor as his family.

As a fellow brother of Theta Chi Fraternity it is my honor to recognize all of Chief Plants' achievements and to congratulate him on his retirement.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 2004

Ms. BORDALLO. Mr. Speaker, today, in honor of Catholic Schools Week (January 25–31, 2004), I would like to recognize the contributions of Catholic schools to the academic and moral education of children in Guam and throughout our nation. Also, I would like to thank my colleague, Mr. David Vitter, for his steadfast support of Catholic education in our country and for introducing House Resolution 492, honoring Catholic Schools Week.

Guam has a long and rich history of Roman Catholicism dating back to the arrival of Ferdinand Magellan in 1521. The island eventually became an important stop along the Spanish Galleon Trade Route, eventually bringing Padre Diego Luis de San Vitores, who was on his way to the Philippines, to Guam.

Padre San Vitores would return to Guam in 1668, with a party of missionaries to bring Christianity to the people of Guam. They established a mission in the village of Hagatna which later became the site of the first Catholic Church and is now the seat of the Archdiocese of Guam. From these humble beginnings, the Roman Catholic faith has continued to grow, expanding its ministries to meet the changing needs of the faithful.

Recognizing the need for quality education rooted in the moral values of the Catholic faith, the first Bishop of Guam, Bishop Appollinaris Baumgartner invited the Religious Sisters of Mercy from North Carolina, the Stigmatine Fathers of Massachusetts, and the School Sisters of Notre Dame from Wisconsin to come to Guam where they eventually opened schools in villages throughout the island. Today, members of these Orders, as well as members of the Dominican, Franciscan, Jesuit, and Marist Orders continue to teach our children in the Catholic education system.

Guam's first Chamorro Bishop, Archbishop Felixberto Camacho Flores, made Catholic education a priority increasing the number of Catholic schools, expanding programs and improving school facilities.

Today, the Roman Catholic Archdiocese of Hagatna remains committed to serving the people of Guam. Under the direction of the Most Reverend Anthony Sablan Apuron, OFM Cap, DD, Metropolitan Archbishop of Hagatna, the Catholic schools on Guam have remained committed to providing a quality academic education, grounded in faith and emphasizing service to humanity.

The contributions of the Catholic school system to the people of Guam are reflected in our local leaders in the clergy, government, and private-sector who are alumni of the Catholic schools. I am confident the influence of the Catholic schools will continue to have positive benefits for the people of Guam.

I would like to recognize and commend the Catholic schools in Guam for their commitment to instilling the principles of academic knowledge and sound moral values in the daily lives of our children. Those offering a secondary curriculum include: the Notre Dame High School in Talofofo, Father Duenas Memorial School in Ta'i, and Academy of Our Lady of Guam in Hagåtña. Additionally, those offering an elementary and middle school education include: Bishop Baumgartener Memorial School in Sinajaña, Our Lady of Mount Carmel School in Agat, St. Anthony School in Tamuning, Saint Francis School in Yoña, San Vicente School in Barrigada, and Santa Barbara School in Dededo. Finally, those offering a nursery school education include: the Dominican Child Care Development Center in Sinajaña, Infant of Prague in Ta'i, Maria Artero in Hagåtña, and Mercy Heights in Tamuning.

Finally, I want to recognize all the students, parents, teachers and administrators of Catholic schools in Guam and across the nation for their significant contributions to our society, both inside and outside of the classroom.

HONORING THE 75TH ANNIVERSARY OF THE HOMER PITTARD CAMPUS SCHOOL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the 75th anniversary of the Homer Pittard Campus School in my hometown of Murfreesboro, Tennessee. In that span of time, the elementary school has helped train some of the finest educators and brightest students our country has to offer.

Created by an act of the Tennessee General Assembly, the Campus School has allowed education majors from Middle Tennessee State University to craft and hone their teaching skills under the watchful, experienced eyes of the university's clinical instructors. As a result, the children who have attended the Campus School have received an exceptional education.

As a laboratory, the school provides a hands-on, real-life environment to train teachers. And as an elementary school, it provides an opportunity for children to learn from innovative techniques and enthusiastic teachers. Fittingly, the school takes its name from a dedicated, respected educator who poured so much into his community.

As the Homer Pittard Campus School celebrates its 75th anniversary, I commend the people who had the vision to make this school possible. Murfreesboro's citizens have benefited tremendously from having such a school in the community. I hope the school's next 75 years will be as rewarding and successful as its first.

RECOGNIZING THE PACIFIC GAS AND ELECTRIC ENERGY TRAINING CENTER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to recognize the Energy Training Center, which was established by Pacific Gas and Electric in 1978 to help California's low-income residents cope with rising utility costs, thus becoming the first utility company to offer energy education to members of the community.

Mr. Speaker, more than 46,000 people have been trained in the principles of energy efficiency, including employees from local community service agencies, private contractors, education specialists, and builders. Also, the Energy Training Center has provided training to employees of Pacific Gas and Electric Smarter Energy Line, which has assisted well over three million customer calls.

The Energy Training Center's innovative teaching techniques utilize hands-on experience. This has helped students perform more than two million energy surveys for single-family households and conduct site surveys on common-use areas serving more than one million multi-family units. All of this hard work has created more energy efficient households, and has conserved over 264 million kWh and over 34 million therms of energy, which has prevented more than 276 million pounds of carbon dioxide from polluting our environment.

Our community has greatly benefited from the Energy Training Center over the years, not only regarding energy conservation, but also from partnerships with local agencies. Throughout its years of operation, the Energy Training Center has made successful partnerships with the California Conservation Crops, California Energy Commission, and San Joaquin Delta College.

Mr. Speaker, on behalf of all my colleagues, I send my congratulations on the Energy Training Center's 25th Anniversary, and for setting a fine example of cooperation between private enterprise and the people it serves.

IN RECOGNITION OF THE LIFE OF EARL MCCANDLESS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. FILNER. Mr. Speaker, Colonel Earl McCandless lived in Solana Beach, California, near my Congressional District—and he and his family have been longtime friends of mine. Earl McCandless died last December 8, 2003, and I think his passing should be noted by the House of Representatives. He was a true Korean War hero, as well as being a musical genius who entertained Presidents and captains of industry at the Bohemian Grove in Northern California.

Mr. Speaker, I submit for inclusion in the RECORD at this time a wonderful outline of his life, as written in his obituary in the Daily Oklahoman, Oklahoma's largest daily newspaper.

Earl R. "Mac" McCandless, accomplished pianist, retired Army Colonel and former

military aide to Presidents Dwight Eisenhower and John F. Kennedy, died Monday (12/8) of cancer in San Diego. He was 78. Before entering elementary school, McCandless discovered he had a gift for music. Without ever taking a lesson, he taught himself piano and organ, a talent that would later pay his way through his studies at UCLA and land him a job in his 20s playing background music on Art Linkletter's "House Party."

He enlisted in the Army right after graduating from Hobart High School (Hobart, Oklahoma) in 1943, served briefly in Guam and remained in the Army Reserve after his discharge in 1946. McCandless had just begun what seemed a promising career in music on Linkletter's show, when he was called up again to serve in the Korean War, in the Army Medical Service Corps. During his service there he was awarded a Silver Star and a Bronze Star. After another discharge and another call back, this time to Germany in 1953, McCandless decided to make the Army his career.

He earned a Masters' degree in hospital administration, and at one point in his career oversaw CHAMPUS, the Army's medical insurance program. As a handsome, unmarried young officer stationed in Washington, DC, he was offered the off-hours job of serving as a military social aide to President Eisenhower. The task involved attending State dinners and other formal White House functions, giving discreet protocol instructions to guests, escorting single women through receiving lines and whispering names of guests in the President's ear. He continued the social staffing duties through the administration of President Kennedy. He was a staunchly liberal Democrat who diplomatically avoided political discussions with many in his mostly conservative circle of friends, offering a drink or a "tune" to change the subject.

Col. McCandless retired from the Army in 1976 and settled in Solana Beach, where his small condominium overlooking the Pacific Ocean was dominated by a grand piano and his wall-to-wall collection of music on albums and tapes. Though devoted to his Army career, music was always a strong avocation. He enlivened hundreds of parties and events with his piano playing, and in his later years wrote, arranged and played two full musical productions for the Bohemian Club in Northern California.

He is survived by his brothers Jack McCandless of Denver, John McCandless of Oklahoma City, Bob McCandless of Washington, DC, and sisters-in-law Betty and Anne McCandless of Oklahoma City. Services will be private. Memorials can be made to the McCandless Fund, in memory of Earl and his mother, Leah, c/o Oklahoma University College of Fine Arts, 540 Parrington Oval, Rm. 122, Norman, Oklahoma, 73019. Checks should be made payable to the OU Foundation.

HONORING PHILIP HOROWITZ FOR HIS OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Ms. DeLAURO. Mr. Speaker, it is with great pleasure but a heavy heart that I rise today to pay tribute to the life of one of the outstanding members of our community, Philip Horowitz. Philip was 80 years old when he passed away last month, and in that time he left an indelible mark on the city of New Haven.

Emigrating from Russia, Philip's father, William, and his uncle, Jack, came to New Haven in 1913 and began selling fabric from a pushcart on Grand Avenue. With hard work, dedication and a dream, they opened a storefront nearby, and later, Horowitz Bros. moved to its home. In later years, Philip, his brother, Leonard, and their cousin, Arthur, took over the family business.

I have often said that small businesses are the backbone of our Nation's economy. Through the years, Horowitz Bros. has been a fixture in downtown New Haven, outlasting a number of large department stores as well as smaller, family-owned businesses which have gradually disappeared. For the last 90 years, Horowitz Bros. has been a valued treasure in the city of New Haven, a testament to the American dream and to the invaluable place small business has in a community.

Horowitz Bros. holds a special place in the hearts of employees and customers alike. I have fond memories of going with my mother to pick out fabrics for the dresses she would make for me as a child. While waiting for my mother to choose her fabrics, you could always find me rearranging the many spools of thread, a habit which I am sure caused some chaos, but was always met with a good-natured smile. It is not an exaggeration to say that Philip was the very heart and soul of the store. His dedication, compassion and generosity is well known to all who had the opportunity to meet him. Philip was often characterized as a good man, a friend to all. His warmth, kindness and gentle spirit touched the lives of so many, and it is in that way that he will always be remembered.

I am proud to stand today to honor Philip Horowitz and all that he meant to the New Haven community. I would like to extend my deepest sympathies to his wife, Hilda, his brother, Leonard, and his entire family. New Haven has lost a true community treasure in Philip Horowitz; however, I know that his memory will continue to live in the hearts and minds of all who knew him.

HONORING DALE BUTLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dale Butler for 30 years of dedicated service to the Stanislaus County Chief Executive Office. On Friday, January 30th, he will be commended at an event held in his honor in Modesto, California.

Dale was raised in the Westside of Stanislaus County and was employed as a migrant farm worker. He served as a Personnel Specialist in the United States Navy for 4 years beginning in 1962. In 1967, he worked as the Production Control Scheduler for Riverbank Army Ammunition Plant. Mr. Butler later went to California State University, Stanislaus, to be the Tutorial Supervisor under the Educational Opportunity Program. In 1971, he received his Bachelor of Arts degree in Political Science from California State University, Stanislaus.

Dale began his career with the Stanislaus County Chief Executive Office in 1971 and held numerous positions in the Personnel De-

partment. At present, he holds the Deputy Executive Officer position and oversees the Purchasing, Central Services, and Fleet Services Divisions.

Mr. Butler is an active member in a vast number of professional as well as community associations. He currently holds membership in the Central California Chapter of International Personnel Management Association, the California Association of Public Purchasing Officers, the National Association of Purchasing Managers for Central California, and the Institute for Supply Management. Dale's community activities involve being president of the Stanislaus County Fair Board and being associated with Stanislaus County's Latino Community Round Table, the Hispanic Leadership Council, the Mabuhay Club and the Modesto Bee's Hispanic Advisory Council.

The awards and accomplishments achieved by Mr. Butler have been great in number and prestigious in status. He was given a Special Recognition Award for Promoting Equal Rights by the Stanislaus County Board of Supervisors, an Outstanding Latino of the Year Award by his Latino Community Round Table, and a Humanitarian of the Year Award by the California Association of Physically Handicapped, Inc. He is co-owner of Hispanic Enterprises, LLC, a multiservice Hispanic-Owned Business, and has graduated from the Intergovernmental Management Training Program and the Leadership Modesto Program. His fluency in Spanish and dedication to the community add to the success he has achieved over the years.

Mr. Speaker, I rise today to honor Dale Butler upon his retirement from the Stanislaus County Chief Executive Office. I invite my colleagues to join me in wishing Dale a fulfilling retirement.

PROSPECTS FOR PEACE IN THE SUDAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. TOWNS. Mr. Speaker, as you are keenly aware, the road to peace for the people of Sudan has been long and perilous. Last July, I spoke on the floor about the prospects for peace in the Sudan and the progress that was being made in negotiations between the Government of Sudan and the Sudan People's Liberation Movement/Army. I am gratified to report that agreement has now been reached on the issue of wealth-sharing; and just this past weekend, issues were resolved with regard to the Nuba Mountain and Southern Blue Nile regions, two of the three disputed areas between the parties. My understanding is that an agreement on the disputed areas will be signed as soon as resolution can be reached on the third disputed area, Abyei.

Mr. Speaker, we remain optimistic that these recent events will soon lead to an historic accord on a Framework Agreement, which will, at last, bring an end to the 20-year war in Sudan and bring peace and social stability to all the people of Sudan.

Mr. Speaker, peace is near in the Sudan.

I would like to recognize the commitment of President Bashir and the Khartoum government and that of SPLM/A and Mr. Garang in

their tireless efforts to make this historic moment possible. I would also like to recognize the continuing commitment of this administration to achieving peace in the Sudan and that of Special Envoy John Danforth for his role as a catalyst for the peace process.

Mr. Speaker, I call on my distinguished colleagues to join me in celebrating this historic milestone and in praying that a peace agreement will soon be reached. We should look forward to the day when peace is at hand, when U.S. sanctions can be lifted and Sudan removed from the State Department's State Sponsors of Terrorists list and given the opportunity to receive the benefits of American ingenuity, technology and investment for their sustained growth and economic prosperity.

THE FLORIDA CONFERENCE OF BLACK STATE LEGISLATORS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to honor a versatile and committed group of elected officials in Miami-Dade County who are members of the Florida Conference of Black State Legislators (FCBSL). On Thursday, January 29, 2004, they will be spearheading the 2004 Miami Regional Issues Conference, beginning with a town hall meeting on the "High Stakes of the Florida Comprehensive Achievement Test (FCAT)" to be held at Miami Edison Middle School.

Joining them are parents and community leaders, school administrators and teachers, as well as elected and appointed officials from Miami-Dade County and the State of Florida. This conference comes at an opportune time when there is a need to foster greater knowledge and involvement regarding government and politics among residents of our various neighborhoods.

In its most vivid history, the Florida Conference of Black State Legislators was incorporated in 1982 upon the election of nine prominent African Americans to the Florida House of Representatives. Indeed, the life of each of these legislators, and those that have followed, has become legendary and about as close to the impossible dream as I have witnessed.

These preeminent leaders will spearhead this 2-day conference, which will cover crucial issues such as Affordable Access to Health Care, Juvenile and Criminal Justice, Telecommunications, Hip Hop and Politics, Front Porch Florida, and Florida's Pari Mutuels. The Florida Caucus leads a critical gathering of concerned citizens, as well as the virtues of responsible and competent public servants who aspire to expound their unwavering positions on equal educational opportunities for minorities, the controversial incongruence of the Florida Comprehensive Assessment Test (FCAT), along with their unconditional passion for justice, equal rights, and educational opportunity for all.

In a special manner, ever since I have known the members of the Miami Black Caucus delegation, these leaders have always been at the forefront of ensuring equal participation in the shared duties and responsibilities on the part of Miami-Dade County's citizenry.

At the same time, their forceful advocacy for adhering to the tenets of equal treatment under the law not only in the halls of academia, but also in every segment of our State government agencies has become legendary. In fact, countless others have been touched by their genuine commitment to public service, especially to minorities who could least fend for themselves.

The legislators forming the Miami Regional Issues Conference Committee truly exemplify a unique and responsive leadership whose courageous vision and wisdom appeal to the critical issues impacting our community and the entire State of Florida.

I would like to extend my personal invitation to all those interested in our State government to enable them to seize the opportunity to renew and enhance their commitment to our common well-being as we prepare to meet the many challenges of our times. I honor these distinguished colleagues and fellow public servants of mine.

REMEMBERING THE MAYOR OF
PONCE, PR, RAFAEL
"CHURUMBA" CORDERO
SANTIAGO

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, this past weekend the people of Puerto Rico have lost a great man. Rafael Cordero Santiago, mayor of the Municipality of Ponce for the last 16 years, unexpectedly passed away Saturday morning at the age of 61. "Churumba," as he was fondly known to everyone back home, was a pillar of strength in the Popular Democratic Party. He was an accomplished politician, a hardworking administrator, and a true and honest patriot. His unwavering commitment and dedication to his country, his party, and his beloved city of Ponce are testaments to his extraordinary character.

Born in Ponce in 1942, Cordero Santiago dedicated the majority of his life to public service. After obtaining a bachelor's degree in political science, economics, and social science from the Catholic University of Puerto Rico in Ponce, he began his public career in the Department of Commerce of the Commonwealth of Puerto Rico in 1964. From there, he moved on to serve as a special assistant to then-president of the Puerto Rican senate, Rafael Hernandez Colon, followed by terms as auxiliary Secretary of Domestic Commerce in the Department of Commerce of the Commonwealth of Puerto Rico and as administrator of the Right to Employment Administration. In 1988 he was elected mayor of Ponce, a position that he proudly occupied until his death.

His work in Ponce spanned almost 2 decades and is marked by great improvement and progress in the region, as evidenced by the city's economic and social growth. His most recent achievement was the approval of the Plan de Ordenacion Territorial de Ponce, which gives the city ample funding for infrastructure projects, including the Port of the Americas. I worked closely with the mayor in support of Port of the Americas, which will bring a state-of-the-art transshipment facility to Ponce that will provide for lasting job growth

and economic development. Upon completion, the Port of the Americas will become the leading port in the Caribbean.

He is survived by his wife, Madeleine Velasco, and his twin daughters, Solange Marie and Mara Bianca. His years of hard work and dedication to his family, his country, and his city will live on in his unforgettable legacy. Please join me in honoring this exemplary Puerto Rican's life and supporting his family in their time of sorrow.

HONORING JEAN SCHULZ

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Jean Schulz, who is stepping down as the National Board President of Canine Companions for Independence after 15 years of dedicated service.

Jean Schulz has been committed to developing and enhancing the services that CCI provides, and with her leadership, CCI places twice as many dogs with people with disabilities as they did when she took over as president. The Jean and Charles Schulz Campus, which serves as the National Headquarters and Northwest Regional Center of Canine Companions for Independence, was built due to the efforts of Ms. Schulz and her late husband, Charles M. Schulz, creator of the Peanuts comic strip.

In 1997, Jean and Charles M. Schulz were instrumental in creating the Charles M. Schulz Museum and Research Center designed to preserve and educate people about Charles M. Schulz, the Peanuts comic strip and its characters. Ms. Schulz remains an active member on the board of directors of the museum.

Dedicated to various environmental, educational and human service organizations over the years, the Schulzes donated \$5 million to Sonoma State University to build the Jean and Charles Schulz Information Center that houses a state-of-the-art library, computer labs and an art gallery. This facility has become a hub of student activity.

Ms. Schulz's combination of leadership and commitment to her community has earned her many awards and honors. She received a Key to the City from the Santa Rosa City Council, was the recipient of a Leadership Award from the Santa Rosa Chamber of Commerce and received an Honorary Doctorate of Humane Letters from the Sonoma State University.

Mr. Speaker, I am proud to recognize Jean Schulz for her many contributions to Canine Companions for Independence and the entire community.

CONGRATULATING KATHY
CLONINGER, NEW CHIEF EXECU-
TIVE OFFICER FOR THE GIRL
SCOUTS OF AMERICA

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. COOPER. Mr. Speaker, I have the privilege today of honoring Kathy Cloninger, the

new Chief Executive Officer for the Girl Scouts of America.

Ms. Cloninger is a native of Nashville, Tennessee in my district. She has been a long-time advocate for the Girl Scouts and has an accomplished history in not-for-profit leadership. Before her recent appointment to the post of CEO, Ms. Cloninger served as the head of the Girl Scout Council of Cumberland Valley in Nashville. During her tenure there, Girl Scout membership in our region rose to more than 25,000 girls—an increase of nearly 40 percent. She was also responsible for creating an outreach program that tripled the number of African American Girl Scouts, increased the participation of Hispanic girls, and brought more than 1,000 girls in public housing into the program.

In Nashville, Ms. Cloninger also helped to found the Association of Non-Profit Executives and has served on the boards of numerous organizations, including the Center for Non-Profit Management, Leadership Nashville, and the United Way of Metropolitan Nashville. She has also held top-level positions at the Kellogg Foundation and the YWCA.

With more than 3.7 million current members, the Girl Scouts have been a cherished American institution for the past 90 years. The qualities of leadership, values and social conscience that the Girl Scouts instill in their members have served as guideposts for many generations of girls and young women, including in my own family. I am proud to say that my wife, Martha, and my daughter, Mary, have been Girl Scouts members and continue to be supporters of this fine organization.

I have every confidence that Ms. Cloninger will continue her excellent leadership of the Girl Scouts on the national level. In our present times, it is now more important than ever to maintain organizations and programs that provide positive leadership and encouragement for our nation's young people. In light of her proven record and her devotion to the ideals of the Girl Scouts, I have no doubt that Kathy Cloninger will prove to be an excellent role model and leader to guide our young girls into the 21st century.

On behalf of the people of the fifth district of Tennessee and your hometown, Nashville, I am proud to extend to Ms. Cloninger my warmest wishes and congratulations.

INDIA'S REPUBLIC DAY, JANUARY
26, 2004

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. PALLONE. Mr. Speaker, I would like to pay tribute to one of the most important dates on the calendar for the people of India, as well as for the people of Indian descent who have settled in the United States and around the world. January 26th is Republic Day, an occasion that inspires pride and patriotism for the people of India.

On January 26, 1950, India became a Republic, devoted to the principles of democracy and secularism. At that time, Dr. Rajendra Prasad was elected as the nation's first president. Since then, despite the challenges of sustaining economic development and promoting tolerance and cooperation amongst its

many ethnic, religious and linguistic communities, India has stuck to the path of free and fair elections, a multi-party political system and the orderly transfer of power from one government to its successor.

On that special day in 1950, India adopted its Constitution. It should be noted that India derived key aspects of her Constitution, particularly its statement of Fundamental Rights, from our own Bill Of Rights. On the eve of Republic Day several years ago, India's President K.R. Narayanan stated in his address to the nation: "Let us remember, it is under the flexible and spacious provisions of our Constitution, that democracy has flourished during the last fifty years and that India has achieved an unprecedented unity and cohesion as a nation and made remarkable progress in the social and economic fields."

India and the United States both proclaimed their independence from British colonial rule. The Indian independence movement under the leadership of Mahatma Gandhi had strong moral support from American intellectuals, political leaders and journalists. Just last week-end, we paid tribute to one of our greatest American leaders, the Rev. Martin Luther King, Jr. Dr. King derived many of his ideas of non-violent resistance to injustice from the teachings and the actions of Mahatma Gandhi.

As the world's two largest democracies, the United States and India have a natural relationship, based on their shared values of diversity, democracy and prosperity. These two countries have steadily grown closer for the past ten years, and most recently, the United States' campaign to fight global terrorism has brought the two countries even closer.

Following the tragic events of September 11, 2001 India was one of the first countries to come forward to the United States with an offer of full assistance and cooperation in this new global fight against terrorism. India has sadly been afflicted with terrorism from Pakistani-based terrorist groups throughout the last 15 years, and since September 11th, there have been terrorist attacks against India on a near daily basis. It is only natural that these two countries are united in the global fight against terrorism, as well as on many other fronts.

Lastly, I want to note that throughout the South Asian region, India stands alone as a pillar of democracy, stability and growth. I join both Indians in India and over 1.8 million Indians living here in the United States in celebrating India's Republic Day.

Daily Digest

Senate

Chamber Action

*Routine Proceedings, pages*S265–S291

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 2031–2033, and S. Res. 292. **Page S286**

Measures Reported:

S. 129, to provide for reform relating to Federal employment, with an amendment in the nature of a substitute. (S. Rept. No. 108–223) **Page S286**

Pension Funding Equity Act—Agreement: Senate resumed consideration of H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, taking action on the following amendments proposed thereto: **Pages S266–78**

Adopted:

Grassley (for Nickles) Amendment No. 2264 (to Amendment No. 2233), to express the sense of the Senate with respect to the status of private pension plans. **Pages S274–75**

Grassley Modified Amendment No. 2261 (to Amendment No. 2233), to extend transfers of excess pension assets to retiree health accounts. **Page S278**

Pending:

Grassley Amendment No. 2233, of a perfecting nature. **Pages S266–78**

Kyl Amendment No. 2236 (to Amendment No. 2233), to restrict an employer that elected an alternative deficit reduction contribution from applying for a funding waiver. **Page S266**

Rejected:

Kyl Amendment No. 2234 (to Amendment No. 2233), to limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected. (By 67 yeas to 25 nays (Vote No. 4), Senate tabled the amendment). **Pages S266–72**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Wednesday, January 28, 2004, that there be 30 minutes for debate, equally divided between

the Chairman and the Ranking Member of the Committee on Finance, or their designees; that Senator Kyl control 10 additional minutes; that, upon conclusion of debate, the Senate vote in relation to amendment No. 2236; that, upon disposition of the amendment, the Senate vote on the question of agreeing to amendment No. 2233; that, upon disposition of said amendment, the bill, as amended, be read the third time and the Senate then vote on final passage of the bill. **Pages S278, S291**

Executive Communications: **Pages S284–86**

Additional Cosponsors: **Pages S286–87**

Statements on Introduced Bills/Resolutions: **Pages S287–89**

Additional Statements: **Pages S281–84**

Amendments Submitted: **Pages S289–91**

Notices of Hearings/Meetings: **Page S291**

Authority for Committees to Meet: **Page S291**

Record Votes: One record vote was taken today. (Total—4) **Page S272**

Adjournment: Senate convened at 12 noon, and adjourned at 4:49 p.m., until 11 a.m., on Wednesday, January 28, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S291.)

Committee Meetings

(Committees not listed did not meet)

FOOD SAFETY: BSE

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the current situation regarding the discovery of a case of Bovine Spongiform Encephalopathy (BSE) in a dairy cow in Washington State as it relates to food safety, livestock marketing and international trade, after receiving testimony from Senators Durbin and Allard; Ann M. Veneman, Secretary of Agriculture; Lester M. Crawford, Deputy Commissioner of Food and Drugs, Department of Health and Human Services; and Alfonso Torres, Cornell University College of Veterinary Medicine, Ithaca, New York.

ECONOMIC OUTLOOK

Committee on the Budget: Committee concluded a hearing to examine the budget and economic outlook for fiscal years 2005 to 2014, after receiving testimony from Douglas Holtz-Eakin, Director, Congressional Budget Office.

AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to assess the international effort to stabilize and rebuild Afghanistan, focusing on the International Security Assistance Force (ISAF), after receiving testimony from General James L. Jones, Supreme Allied Commander Europe (SACEUR), Supreme Headquarters, Allied Powers Europe, Mons, Belgium; and William B. Taylor, Jr., Coordinator for Afghanistan, Department of State.

MUTUAL FUNDS

Committee on Governmental Affairs: Subcommittee on Financial Management, the Budget, and International Security concluded an oversight hearing to examine the disclosure of mutual fund fees and the need for additional disclosures of mutual fund practices, including how the fees and other costs that investors pay as part of owning fund shares can affect their investment returns, after receiving testimony from Richard J. Hillman, Director, Financial Markets and Community Investment, General Accounting Office; New York Attorney General Eliot L. Spitzer, Albany; Peter T. Scannell, Weymouth Landing, Massachusetts; James Nesfield, Nesfield Capital, Engelhard, North Carolina; John C. Bogle, Bogle Financial Markets Research Center/Vanguard Group, Valley Forge, Pennsylvania; Jeffrey C. Keil, Lipper Inc., Travis Plunkett, Consumer Federation of America, Paul S. Stevens, Dechert LLP, on behalf of the Investment Company Institute, and Marc E. Lackritz, Securities Industry Association, all of Washington, D.C.; and John P. Freeman, University of South Carolina School of Law, Columbia.

U.S. GOVERNMENT CONTINUITY

Committee on the Judiciary: Committee concluded a hearing to examine a proposed constitutional amendment to guarantee a functioning Congress, with respect to ensuring the continuity of the United States government, after receiving testimony from former Senator Alan Simpson, on behalf of the Continuity of Government Commission; Sanford V. Levinson, University of Texas Law School, Austin; and Howard M. Wasserman, Florida International University College of Law, Miami.

SEAPORT SECURITY

Committee on the Judiciary: Subcommittee on Terrorism, Technology, and Homeland Security concluded a hearing to examine seaport security since September 11, 2001, focusing on the National Targeting Center, the Automated Targeting System, the Container Security Initiative, and non-intrusive inspection and radiation detection technologies, after receiving testimony from Rear Admiral Larry L. Hereth, Director of Port Security, U.S. Coast Guard, and Robert M. Jacksta, Executive Director, Border Security and Facilitation, Office of Field Operations, Customs and Border Protection, both of the Department of Homeland Security; and Gary M. Bald, Acting Assistant Director, Counter-Terrorism Division, Federal Bureau of Investigation, Department of Justice.

RETIREMENT PLANNING

Special Committee on Aging: Committee concluded a hearing to examine retirement planning, including retirement reform proposals, after receiving testimony from Jack L. VanDerhei, Temple University, Philadelphia, Pennsylvania, on behalf of the Employee Benefit Research Institute; and Jagadeesh Gokhale, CATO Institute, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 6 public bills, H.R. 3729–3734; 1 private bill, H.R. 3735; and 1 resolution, H. Con. Res 350, were introduced. **Page H127**

Additional Cosponsors: **Page H128**

Reports Filed: Reports were filed today as follows:

H. Res. 502, providing for consideration of S. 610, to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration (H. Rept. 108–406); and

H. Res. 503, providing for consideration of S. 1920, to extend for 6 months the period for which

chapter 12 of title 11 of the United States Code is reenacted (H. Rept. 108–407). **Page H127**

Speaker: Read a letter from the Speaker wherein he appointed Representative Bonner to act as Speaker pro tempore for today. **Page H101**

Recess: The House recessed at 12:44 p.m. and reconvened at 2 p.m. **Page H103**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Extending the authorization for a postage stamp to benefit breast cancer research: H.R. 1385, to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research, by a $\frac{2}{3}$ yeas-and-nay vote of 331 yeas to 1 nay, Roll No. 6; **Pages H104–09, H112–13**

Medical Devices Technical Corrections Act of 2003: H.R. 3493, to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, by a $\frac{2}{3}$ yeas-and-nay vote of 333 yeas with none voting “nay”, Roll No. 7; **Pages H109–12, H113**

Joint Meeting of Congress: Agreed that it be in order at any time on Wednesday, February 4, 2004, for the Speaker to declare a recess, subject to the call of the chair, for the purpose of receiving in Joint Meeting His Excellency Jose Maria Aznar, President of the Government of Spain. **Page H112**

Recess: The House recessed at 2:54 p.m. and reconvened at 6:31 p.m. **Page H112**

Quorum Calls—Votes: Two yeas-and-nay votes developed during the proceedings of the House today and appear on pages H112–13 and H113. There were no recorded votes or quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:40 p.m.

Committee Meetings

BUDGET AND ECONOMIC OUTLOOK

Committee on the Budget: Held a hearing on the Budget and Economic Outlook—Fiscal Years 2005–2014. Testimony was heard from Douglas Holtz-Eakin, Director, CBO.

NASA WORKFORCE FLEXIBILITY ACT

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on S. 610, NASA Workforce Flexibility Act of 2003, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and 20 minutes equally divided

and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule provides that the bill shall be considered for amendment under the five-minute rule and that it shall be considered as read. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert.

FAMILY FARMER BANKRUPTCY RELIEF EXTENSION

Committee on Rules: Granted, by voice vote, a modified closed rule providing one hour of general debate on the bill S. 1920, to extend for 6 months the period for which chapter 12 of title 11 of the United States code is reenacted, and amendments made in order equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of H.R. 975 as passed by the House, and that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments to that amendment in the nature of a substitute which are printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. Section 2 of the resolution provides that if the Senate bill, as amended, is passed then it shall be in order to move that the House insist on its amendment to S. 1920 and request a conference thereof. Testimony was heard from Chairman Sensenbrenner and Representative Baldwin.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D5)

H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year

ending September 30, 2004. Signed on January 23, 2004. (Public Law 108–199)

COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 28, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of Francis J. Harvey, of California, to be an Assistant Secretary of Defense, William A. Chatfield, of Texas, to be Director of Selective Service, and Lawrence T. Di Rita, of Michigan, to be an Assistant Secretary of Defense, 9:30 a.m., SR–222.

Full Committee, to hold hearings to examine efforts to determine the status of Iraqi weapons of mass destruction and related programs, 11 a.m., SD–106.

Committee on Commerce, Science, and Transportation: to hold hearings to examine NASA's future space mission, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold a closed briefing regarding steps toward rapprochement in relation to Pakistan and India, 9 a.m., S–407, Capitol.

Full Committee, to hold hearings to examine steps toward rapprochement relating to Pakistan and India, 10:30 a.m., SH–216.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine health issues relating to health care costs and the uninsured, 10:30 a.m., SD–430.

Committee on Indian Affairs: business meeting to consider pending calendar business, 10 a.m., SR–485.

Committee on the 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, 10 a.m., SD–226.

House

Committee on Agriculture, hearing to review the Potential Impact of Recent Temporary Guest Worker Proposals on the Agriculture Sector, 11 a.m., 1300 Longworth.

Committee on Armed Services, hearing on the Operation Iraqi Freedom Force Rotation Plan, 1 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "Freddie Mac's Accounting Restatement: Are Accounting Standards Working?" 10 a.m., 2322 Rayburn.

Subcommittee on Health, to consider H.R. 3658, Stroke Treatment and Ongoing Prevention Act, 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled "'Can you say that on TV?': An Examination of the FCC's Enforcement with Respect to Broadcast Indecency," 10:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled "Congressional Review of OCC Preemption," 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Avoiding 'Financial Friendly Fire': A Review of Efforts to Overcome Army National Guard Pay Problems," 10 a.m., 2154 Rayburn.

Special Panel on Postal Reform and Oversight, hearing entitled "Answering the Administration's Call for Postal Reform—Part I," 2 p.m., 2154 Rayburn.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs and the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, joint hearing entitled "What is the Administration's Record in Relieving Burden on Small Business," 2 p.m., 2247 Rayburn.

Committee on the Judiciary, to mark up the following measures: H.R. 1073, To repeal section 801 of the Revenue Act of 1916; H.R. 1768, Multidistrict Litigation Restoration Act of 2003; H. Res. 412, Honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary; H.R. 3095, Community Recognition Act of 2003; H.R. 339, Personal Responsibility in Food Consumption Act; H.R. 2824, Internet Tobacco Sales Enforcement Act; and H. Res. 56, Supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II, 10 a.m., 2141 Rayburn.

Committee on Science, Subcommittee on Environment, Technology, and Standards, to mark up H.R. 3551, Surface Transportation Research and Development Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, hearing on the Department of Veterans Affairs long-term care policies, 12 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing to review Federal and State Oversight of Child Welfare Programs, 10:30 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, to mark up H. Res. 499, 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 identify and employment of Ms. Valerie Plame, 10 a.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Infrastructure and Border Security, hearing entitled "Integrity and Security at the Border: The US VISIT Program," 11 a.m., 345 Cannon.

Next Meeting of the SENATE

11 a.m., Wednesday, January 28

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, January 28

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 3108, Pension Funding Equity Act, with votes on pending amendments and a vote on final passage of the bill. Also, Senate may consider certain judicial nominations.

House Chamber

Program for Wednesday: Consideration of S. 610, NASA Workforce Flexibility Act of 2003 (open rule, one hour of general debate).

Consideration of S. 1920, to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted (modified closed rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Acevedo-Vilá, Anibal, Puerto Rico, E58
 Bonner, Jo, Ala., E47, E48, E49
 Bordallo, Madeleine Z., Guam, E55
 Cardoza, Dennis A., Calif., E50, E51, E52, E53, E54,
 E55, E56
 Cooper, Jim, Tenn., E58
 Crane, Philip M., Ill., E54

Davis, Tom, Va., E49
 DeLauro, Rosa L., Conn., E51, E56
 Emerson, Jo Ann, Mo., E54
 Farr, Sam, Calif., E50, E52, E53
 Filner, Bob, Calif., E56
 Frelinghuysen, Rodney P., N.J., E51, E52
 Gordon, Bart, Tenn., E56
 Hart, Melissa A., Pa., E54
 John, Christopher, La., E47, E48, E49

Meek, Kendrick B., Fla., E57
 Pallone, Frank, Jr., N.J., E58
 Pickering, Charles W. "Chip", Miss., E55
 Radanovich, George, Calif., E57
 Souder, Mark E., Ind., E50
 Taylor, Charles H., N.C., E47, E48, E49
 Towns, Edolphus, N.Y., E57
 Woolsey, Lynn C., Calif., E58



Congressional Record

The *Congressional Record* (USPS 087-390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$252.00 for six months, \$503.00 per year, or purchased as follows: less than 200 pages, \$10.50; between 200 and 400 pages, \$21.00; greater than 400 pages, \$31.50, payable in advance; microfiche edition, \$146.00 per year, or purchased for \$3.00 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to (866) 512-1800 (toll free), (202) 512-1800 (D.C. Area), or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.