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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 30, 2004.

I hereby appoint the Honorable CHRIS CHOCOLA 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 March 29, 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 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

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

CRANE-RANGEL PROVIDES INCENTIVES TO KEEP MANUFACTURING IN U.S.

Mr. BROWN of Ohio. Mr. Speaker, last week, Vice President CHENEY was in Dayton, Ohio, to try to argue for the President's economic budget plan, to try to justify the economic devastation that his administration's policies have wreaked on the American people. In Ohio alone, one out of six manufacturing jobs has simply disappeared since President Bush took office;

300,000 jobs have been lost in my home State of Ohio. That is 2,000 jobs a week have vanished; that is 260 jobs every single day in Ohio, jobs that have been lost every single day of the Bush administration.

Now, I wish that Vice President CHENEY had been with me earlier this month. I was speaking to the Akron machine shop owners and operators; and before I spoke to this group, about 60 men and women who own small tool and die, fabricating machine shops, companies of 5 to 200 employees, a gentleman walked forward and handed me this stack of leaflets, pamphlets, and flyers. I did not initially know what they were. He explained, these are auctions, going-out-of-business, fire-sale equipment sales at plants all over the United States. For instance, auction, family facility closed, Medina, Ohio. Absolute auction, Cuyehoga Falls, no minimums, no reserves, high dollar buys regardless of price. Another going out, complete shop closeout auction, Marion, Ohio. High-tech manufacturing plant closing, Chicago, Illinois. Large capacity fabricating machine shop closing, Hingham, Massachusetts. Two complete stamping machine tool shops going out of business, 2-day auction, Northbrook, Illinois. Precision CNC Job Shop, Scottsboro, Alabama.

The problem is, Mr. Speaker, I do not think President Bush and Vice President CHENEY, I just do not think they see this. I think that the people who run our government seem so out of touch with what is happening to manufacturing in this country, what is happening to employment in this country, what is happening to our economy. Every time they hear bad economic news, they have two answers. One is tax cuts for the most privileged in society with the hope that some of it will trickle down to the rest of society, and the other answer is trade agreements, more North American free trade agreements, NAFTA-like trade agreements

that continue to ship jobs overseas, that continue to hemorrhage manufacturing jobs in this country.

From the President and Vice President, that is always the response. It is tax cuts, trickle down economics, tax cuts for the most privileged, and trade agreements that ship jobs overseas. But now there seems to be a third answer that some Republican legislative leaders have brought forth.

I would cite from CNN. Paula Zahn asked the question of one Republican leader, saying, Why have 2.5 million jobs been lost during the Bush administration; and this Republican leader said, Well, Paula, in this 21st-century economy, jobs that are not reflected in the establishment payroll survey take on different forms. Then he went on to say, this is a leader in the Republican Party in the House, There are 430,000 Americans who make their full-time living selling on eBay.

That is not in any way reflected in the numbers.

So the Bush administration's answer has been tax cuts for the most privileged and trickle down economics, trade agreements, and now I guess they are saying that jobs on eBay are making a difference. I do not think those jobs are paying health care benefits. I do not think those jobs are the kind of jobs that we want to build our economy on.

Unfortunately, Mr. Speaker, the leaders in this government are so out of touch with economic reality in this country, instead of tax cuts for the most privileged and trickle down economics, instead of trade agreements that ship jobs overseas, instead of relying on eBay as an engine of economic growth, this Congress needs to pass the bipartisan Crane-Rangel bill. It rewards those companies with tax incentives who manufacture in the United States and, at the same time that, in essence, penalizes those companies

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.



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that ship jobs overseas, those companies that move offshore to the Bahamas, continue to get government contracts, and avoid taxes in the United States; those companies like Halliburton, which get billions of dollars in unbid contracts, yet end up oftentimes with their subsidiary avoiding taxes, while continuing to pay the Vice President of the United States \$3,000 a week. That is not good economic policy. Our incentives should be given to those companies that manufacture in the United States, that provide jobs for American workers, not the kind of plans that the President of the United States has thrust on the American people.

Mr. Speaker, this job loss, this erosion of our manufacturing base must be turned around, not with old tired solutions, but with aggressive incentives to keep manufacturing in this country.

NEGLECT OF NATION'S FINANCES THREATENS AMERICA

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

Mr. SMITH of Michigan. Mr. Speaker, this year we celebrate Abraham Lincoln's 195th birthday. In his famous address at Gettysburg, he noted that "our fathers brought forth on this continent a new Nation conceived in liberty and dedicated to the proposition that all men are created equal." The Civil War was "testing whether that Nation, our Nation or any Nation so conceived and so dedicated can long endure."

Now, that challenge is with us. Today, we face a threat to the country that may well be as serious. It lies not in the dramatic clash of arms, but in neglect of our Nation's finances, especially our long-term finances.

Voters vote for benefits, and politicians promise them without knowing how to pay for it. Just 4 months ago, Congress voted for a prescription drug benefit that adds \$16 trillion to the program's unfunded liability. That is over two times our total national entire debt, and it was done mostly for short-term political gain with little reform of the underlying program. There is now a call from some Members proclaiming that the budget we are now working on for 2005 that is actually twice an increase in government, twice the rate of inflation is not enough and we should have more spending to increase taxes eventually. There are very few in Congress who are willing to resist the continual pressure to spend; and I think part of that, Mr. Speaker, is because of the fact that most citizens today now pay less in income tax than they get from government services, so it is easy to ask for more.

From the founding of this country, it took until 1975 to amass a debt of \$500 billion. Unfortunately, we are now adding more debt to our books every year

than we did over the first 199-year history of this country. The deficit for fiscal year 2003 was \$536 billion, \$631 billion this year, and another \$534 billion expected for next year. We have never run a deficit this high, and we need to take decisive action in this budget to address our overspending.

This kind of spending means that higher taxes are coming, maybe not in the next year or two, but eventually. The same Congress that could not bring itself to add a few real reforms to Medicare in a gigantic benefit expansion bill is not likely to cut benefits to the degree necessary to head off financial crisis until the disaster is on us.

I take some comfort from a new willingness among many members of the Republican Conference to tighten our line on spending. Though some Members expressed concern about cuts in an election year, a strong majority have insisted that we reduce spending. There is general cooperation and agreement that we should spend less, not tax more, and we will see if that determination translates into effective spending restraint.

Joining with colleagues who share our concern about government overspending, we will reimpose discretionary spending caps which were in effect from the early 1980s through the surplus period of the late 1990s. It is important, Mr. Speaker, that Congress work hard to cut out unnecessary waste and abuse. We also need to make very hard decisions to prioritize spending.

Another aspect of the solution, I think, is improving the honesty of government accounting. I have a bill to require the CBO and the OMB to include unfunded liabilities in their budget projections. This unfunded liability is now projected to be \$71 trillion, \$71 trillion that our kids and our grandkids are eventually going to have to finance, pay the interest on, and start paying it back.

Some people have said that we should not worry so much about unfunded liability because it can be wiped out by reforms, but Congress has shown little political will to deal with the problem. Perhaps making it more visible will help bring about some of the reforms that will be necessary to come to grips with the problem.

Congress and the President can redeem their record on spending to a large degree if they push hard for Social Security reform. It would be nice to do it before the election. Maybe we can do it after the election, but it remains to be seen whether we will take on that fight. It will be a fight because steeply progressive taxes and big government have combined to form a powerful electoral block. Here, again, the bottom 50 percent of earners now pay virtually no income tax and, therefore, have little will.

Empires decline when they fail to act on fundamental problems, and I wonder at times if we are not too distracted by the endless scandals and the horse race

politics of our media culture to grab what is best for our country.

REAUTHORIZATION OF SURFACE TRANSPORTATION ACT

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

Mr. BLUMENAUER. Mr. Speaker, this week, the House will be considering the most important economic and environmental bill of this session. It is the reauthorization of the Surface Transportation Act.

It has been fascinating to watch the broadest coalition in memory be assembled in support of this important legislation to rightsize our investment in America's transportation system. This coalition ranges from the Sierra Club to the chamber of commerce, from the bicyclists to the truckers, people who lay down asphalt to those who care about historic preservation, all are on record as supporting an investment that is rightsized for America's future.

The number that has been identified by the administration from the Department of Transportation is on the order of magnitude of \$375 billion over the next 6 years. It does not appear, sadly, as though this House is going to be able to consider an appropriately sized piece of legislation to meet those needs. The bill that is coming forward is at \$275 billion. Our colleagues in the Senate passed overwhelmingly a proposal for \$318 billion.

It is important not to fixate just on the amount of money, although that is not insignificant. What we want to do is make it so that it is appropriate for the needs that America has now.

These are jobs that are not going to be outsourced to India or China. There are between 20,000 and 50,000 jobs that are created for each billion dollars of investment. And this is an investment that has a huge return beyond simply family-wage jobs. Each dollar that is invested back in our communities under this legislation will be investing in rebuilding America's crumbling bridges. It will be revitalizing streets. It will be enhancing the environment.

The framework of these choices for American communities will inspire other private investment that will significantly enhance the Federal money.

This legislation has a number of innovations that give more choices to States and localities.

□ 0915

One is a "Small Starts" project for transit that can be commuter rail, streetcar, or bus rapid transit to be able to allow communities to have more cost-effective, simple, direct investments that can revitalize neighborhoods. After all, most American cities were built up around streetcar and urban electric systems in the past.

This will be the best bill in history for cycling, in no small measure due to the efforts of the ranking member, the gentleman from Minnesota (Mr. OBERSTAR). There is a program for safe routes to schools so our children can bike and walk to school safely at a time when we are concerned about morbidly obese junior high students. The fact that most communities are finding fewer and fewer children can get to school safely on their own, these will be welcome additions indeed.

This is the time for the House of Representatives to do its job. We need to send a clear signal that we support investing in America's transportation future. We need to make sure that we protect the basic framework of the ISTEA legislation so that it enhances the choices that communities have and provides incentives to properly plan it.

It is important that we think of this as the beginning of the reauthorization for TEA-4 because this framework is going to provide a floor. It is going to provide direction not just for this next 6-year reauthorization but it will be the framework to launch what happens in the subsequent reauthorizations as well. We do not want to be 6 years from now in the place where we have an administration that is threatening to veto even a modestly sized piece of legislation for America's future.

I urge my colleagues to support a motion to recommit this bill to establish the \$318 billion threshold the same as the Senate. I look forward to a debate this week that will help move America's economic and environmental program forward.

REQUIRE OPEC TO FOLLOW THE LAW

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

Mr. DEFAZIO. Mr. Speaker, tomorrow the OPEC nations will meet to seal the deal on their collusion to restrict production of oil and drive up the price, damaging the U.S. economy, devastating U.S. consumers and other countries around the world.

Now, the Bush administration thus far has taken no action. Perhaps not too strange when you read about the long-enduring links between the Bush family and the rulers of Saudi Arabia, but still I would think in an election year we could at least get some modicum of action out of this administration.

Now Energy Secretary Abraham recently said the U.S. is not going to beg OPEC for oil. I agree. We should not beg. We should make them follow the law. This is an administration that is so big on the WTO and rules-based trade. I opposed the WTO. But when you are stuck in it, like we are, you ought to at least then use the rules that would be to the advantage of your people and your economy.

And the rules, there are rules in OPEC that prohibit what is being done in the WTO by the OPEC countries. There are 11 OPEC countries, six are members of the WTO, and two have applied to join. Therefore, since they are violating the rules of the WTO, the Bush administration should file a complaint.

It is quite easy to read. Article 11. "No prohibitions or restrictions other than duties, taxes, or other charges whether made effective through quotas, import or export licenses or other measures shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party."

Now that is legalese, but the bottom line it says is what those OPEC countries who are members of the WTO are doing to collude, to restrict production, to drive up the price of oil, to price-gouge Americans, violates the rules; and the Bush administration should file a complaint in the WTO on that issue.

I corresponded with the Bush administration last year. They came back after 6 months and said, well, there is an exclusion for a conservation of exhaustible natural resources. Well, that is true, except nobody in OPEC alleges that they are conserving exhaustible natural resources. They are very up front about it. They are trying to drive up the price. There is no conservation ethic there.

So that exclusion does not apply, particularly since the rules go on to say, disguised restrictions on international trade are prohibited. That is what this is. It is not a conservation exception.

So the Bush administration could use its favorite entity, the WTO, which it frequently uses for multinational corporations to enhance their profits, to degrade consumer protections, labor protections. They could use it now to protect the American economy, American consumers against price-gouging. They are not doing that, and one has to wonder why. I think it is because so they are so tight with the oil industry.

People say, wait a minute. The oil industry is buying oil. No, the oil industry has all these special deals with the OPEC countries. If the OPEC countries make big headlines and say they are rising the price of oil by 4 bucks a barrel, the oil industry applauds. Because what they then do is at the pump they raise it effectively 8 bucks a barrel; and then when American consumers, they complain, they point to OPEC and say we cannot do anything about it. It is those OPECers. They raised it. They raised it.

Well, if you look at the profits of the oil industry, they are up, phenomenal, yet the Republicans are proposing an energy bill that would subsidize the oil, gas, and coal industries, all of whom

are recognizing record profits. And they say that would be the solution.

Well, you are already subsidizing them by not taking action in the interest of the American people against the colluders, the price-fixers, at OPEC. There is no explanation for the inactivity of the Bush administration on this other than they are getting the support of that industry for their reelection. That is the only potential explanation of why they would abandon the American economy.

Because they are talking about the recovery is fragile, and it is just starting. Well, you heard from the gentleman from Ohio (Mr. BROWN) earlier on that. There is not much of a recovery for most Americans. There is some recovery in profits, but with the outsourcing of jobs there are no new jobs here in the United States. But now they are sticking it to consumers and the few businesses that we have left that are trying to produce goods to export and every other business that is based in this country through these extortionate gasoline prices and the Bush administration has done nothing, zero, nada, zilch. Not one thing, not one action has been taken.

They are buying oil at these extortionate prices to put in the reserve, and they will not do anything about the high price. So they are gouging both taxpayers and consumers. It is a twofer for the Bush administration.

THE BUDGET

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

Mr. EMANUEL. Mr. Speaker, later this week the House is on the verge of passing a \$2.3 trillion budget with a \$500 billion deficit, showing that it is impossible to finance three wars with three tax cuts.

This budget repeats the same mistakes that have resulted in a jobless economy and a wage recession here in America, with the lowest growth in wages in a period of economic growth ever in American history.

This budget continues the status quo economy, an administration that refuses to budge and change its failed policies that have led to nearly 3 million Americans unemployed since it has taken office, 43 million Americans who are working without health care, 4 additional million since they have taken office, 2 million Americans who moved from the middle class to poverty, nearly \$1 trillion worth of corporate individual bankruptcies and stagnant wages.

During the 2000 presidential campaign, President Bush declared that he opposed nation-building. Who knew it was America he was talking about. You would think if your results of your economic policies led to 3 or more million Americans without work, 43 million

Americans without health insurance, \$1 trillion dollars worth of foreclosed corporate assets, poverty rolls increasing, you would change direction. What are we about to do with this budget? Put our foot on the accelerator and do the same old thing that will result in the same policies.

In 3 years we have added \$3 trillion to the Nation's deficit, and nearly 3 million Americans have lost their jobs. Three wars, three tax cuts, \$500 billion in deficits. That has been the result of the economic policies of this administration; and this budget that we are going to vote on will continue the policies that have given America woefully inadequate services on health care, college education, jobs, retirement security, and also economic security.

This budget and the President's economic vision is really the tale of two budgets, one for America, one for Iraq. We have spent well over \$100 billion on Iraq's occupation but without promising the same future that we are promising the Iraqi children and families.

Let us just go through it.

When we talk about universal health care in Iraq and free job training to Iraqis, 44 million Americans go without health insurance and 8.2 million Americans are without jobs.

In the area of health care, 2,200 Iraqi health officials are being trained by the United States, and 8,000 volunteers in Iraq are receiving free training. In America, under the budget being proposed, we have cut health training funds by 64 percent here at home.

One hundred fifty clinics and hospitals in Iraq have been rebuilt, serving 3 million Iraqis. One hundred percent prenatal and infant coverage in Iraq. In America, community health clinics cut by 91 percent. Maternal and Child Health Care, Healthy Start, family planning, all frozen resulting from cuts in those budgets.

In the area of jobs, in Iraq \$60 million is being spent to train Iraqi veterans for past wars; and yet in this budget we gut veterans and veteran health care, resulting in every veterans organization opposing the budget we are going to vote on.

In the area of education in Iraq, we have built 2,300 schools for the Iraqi children but have underfunded Leave No Child Behind by \$8 billion here at home. Iraqi universities are getting \$20 million for higher ed partnerships. In America, we have cut \$91 million from the Perkins loans and frozen Pell Grants for college education.

In the area of police and security, \$470 billion is being spent, \$500 billion is being spent for Iraqi police. Yet the COPS, Community Police Program, \$659 million in this budget is cut from the police that we put on our streets here at home.

In the area of housing, \$470 million is being spent for Iraq public housing. Yet we have cut in this budget that the President proposes and the Republicans are going to vote on \$791 million from section 8 public housing vouchers.

In the area of environment, in Iraq, \$3.6 billion in waters and sewer improvement; in America, a \$500 million cut from the Clean Water State Revolving Fund that provides drinking water for every American.

In the area of ports, the Port of Umm Qasar in Iraq was completely rebuilt for economic development. The Army Corps of Engineers here in the United States, a 63 percent cut for port security upgrades.

Roads. We spent \$240 million on roads and bridges for the Iraqi infrastructure, and yet mass transit here in the United States in the budget will be frozen.

As the President seeks reelection he will be running on a pledge that he kept. He was opposed to nation-building, and he has kept his pledge. The problem is he is opposed to nation-building here at home in America. We can do in it in Iraq, but we should not leave America behind.

MEDICARE

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

Mr. BLUNT. Mr. Speaker, I want to talk briefly this morning about what is happening with Medicare. We are approaching a time when seniors will have an option for the transitional card that allows them to have immediate help with their prescription drug benefits.

At CMS they are working right now on a plan where seniors will be able to call in, talk about the drugs that they personally are taking, and for that 18 months or so of transition receive the help that they initially can get as we are putting this first major change since 1965 of Medicare into place.

Seniors across the country have been waiting for too long for Medicare to cover life-saving prescription drugs, not the fault of this House which for three Congresses now has tried to solve this problem and has voted to solve this problem.

In 1965, when President Johnson signed Medicare into law, prescription drugs were not a big part of health care. In 2003, President Bush understood that they had become a big part of health care. The Congress understood that as well, and we have strengthened that program for millions of seniors to be able to rely on new coverage in the future.

□ 0930

For the first time in Medicare's history, a prescription drug benefit will be offered to all 40 million seniors and disabled Americans to help them afford the cost of their medicines. No senior has to take this benefit, no senior has to make a choice about changing their Medicare if they do not want to, but this offer is available to all seniors and, again, available to all who have

Medicare coverage because of a disability.

Americans of all ages can benefit from the creation of health savings accounts, which will give individuals more control over the cost of their health care and access to affordable, flexible coverage; and for the 888,126 beneficiaries in my State of Missouri who will have access to a Medicare prescription drug benefit for the first time in history, help is on the way.

In fact, 214,754 Missouri seniors will have drug coverage they otherwise would not have, and almost 270,000 beneficiaries in Missouri who have limited savings and low incomes, generally low income in that case would be for individuals with income below \$12,123 a year or for couples with income below \$16,232 a year, those individuals have even more benefits.

Initially, they get the card for free. They get \$600 of credit toward their drug bill on the card that they will receive this year and another \$600 next year. They will pay no premium when it comes time for the prescription drug coverage, if they opt to take that coverage; and they will be responsible only for a very small copayment, no more than \$2 for generic drugs, \$5 for brand-name drugs.

For people who have been struggling to pay for the drugs that their doctors told them they needed for their own health, this makes a huge difference in their ability now to have the kind of health care that they deserve, the kind of health care that is available, the kind of health care that will be covered under Medicare.

Mr. Speaker, all these numbers add up to savings. They add up to access to life-saving drugs. They add up to better health care for seniors of this country. This is a huge and important change.

I am pleased that this House could be part of it, that our friends on the other side of the building would join us and that the President signed this important legislation into law.

HONORING JOSEPH FORD

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life and the memory of a great American, Mr. Joseph Ford. Following a brief illness, Joe passed away on March 16. His death, a loss to us all.

As the veterans community in New Hampshire and throughout the Nation celebrates the life of this exceptional person, I would like to take an opportunity to honor a beloved New Hampshire resident.

Joe served our country valiantly in the United States Air Force and retired after more than 20 years of service. Following his service, Joe became an

active member of the New Hampshire chapter of the Disabled American Veterans and was to be installed as the next DAV commander at the State convention in June.

Recently, Joe received letters of encouragement and appreciation from President George W. Bush, Secretary of Defense Donald Rumsfeld, and New Hampshire Governor Craig Benson for his work within the veterans community.

Mr. Speaker, we are all at a great loss because of Joe Ford's passing, but can be comforted by knowing he made a lasting impact through his life's work. I am honored to bring his life to the attention of this body of Congress and to our Nation today.

My thoughts are with Joe's wife, Lillian; his two children, Paul and Mary; and all those who knew Joe, especially those throughout the veterans community during this difficult time of bereavement.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 35 minutes a.m.), the House stood in recess until 10 a.m. today.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 a.m.

PRAYER

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

Lord God, You speak to Your people through prophets and leaders as of old. Be with Your people now and guide the leaders of this government as You did in the days of Habakkuk, the prophet.

When the cry for help was raised, You did not seem to listen. When the shout of violence was heard in the streets, You seemed not to intervene. But then You, O Lord, answered and said through the prophet, "The vision still has its time. Press on to its fulfillment and it will not disappoint. The just man because of his faith shall live."

Help us never to lose vision which provides hope. The value of such faith does not depend on fulfillment of expectation, but gives power to transform the lives of the faithful, to wait, to work with faith both today and forever. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. THOMPSON of California 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.

SALUTING CITIZENS OF PRINCE EDWARD COUNTY, VIRGINIA, ON THE 250TH ANNIVERSARY OF ITS FOUNDING

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

Mr. GOODE. Mr. Speaker, Prince Edward County is marking the 250th anniversary of its founding on January 1, 1754, by act of the Virginia General Assembly. Prince Edward County played a vital role in the early days of the history of this Nation as an agricultural and major shipping distribution center.

Prince Edward County is the home to two premier institutions of higher learning, Hampden-Sydney College and Longwood University. Prince Edward County counts among its most honored natives two men who held governorships of other States, Henry Watkins Allen in Louisiana and Sterling Price in Missouri. Also, General Joseph E. Johnston of the Confederate Army is a native son as well as civil rights leader Dr. Vernon Johns; J. B. Fuqua, philanthropist; and the first African American United States Senator, Blanche K. Bruce; as well as Lieutenant General Sam V. Wilson, former president of Hampden-Sydney College.

Prince Edward County has also been called home by such noted persons as Virginia Governor Phillip McKinney; civil rights leader Reverend L. Francis Griffin; president of Tuskegee Institute, Robert Russa Moton; and medical researcher D. Walter Reed.

Prince Edward County also played a pivotal role in the civil rights movement of the 1950s as part of the Brown v. Board of Education suit.

In closing, I salute the citizens of Prince Edward County in recognition of their 250th anniversary.

KICKING THE RECOVERY INTO HIGH GEAR

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

Mr. DELAY. Mr. Speaker, during this final week before the spring break, the House will cap off a strong winter of work helping the American people grow the economy and create jobs. With positive economic news continuing to come in, we can be sure times are good, yet equally sure they are not perfect.

More Americans are working today than at any time in our history. Unemployment and interest rates remain low, the budget we passed last week is pointing the way toward fiscal accountability, and every day that passes brings us another day closer to victory in the war on terror.

But, Mr. Speaker, our manufacturing industry continues to feel the squeeze of outsourcing; and certain segments of the population have not yet come to fully enjoy the economic recovery evidenced in all this economic data. People are still hurting. But thankfully, more help will soon be on the way. This week the House will consider the long-awaited Federal highway reauthorization bill, which will set and deliver on the highway transportation investment priorities for the rest of the decade. It is estimated that every billion dollars spent on highways creates 47,500 jobs. The TEA-LU bill we will take up this week will authorize \$275 billion over the next 6 years.

This is a jobs bill, plain and simple. When a new highway is built, new neighborhoods follow, then businesses to serve those neighborhoods, and then businesses to serve those businesses. A highway does not just mean asphalt. It means families and car pools and schools and office parks and grocery stores and shopping malls. It means more new jobs, from waiters and convenience store clerks to doctors and stockbrokers. Added to the tax relief Congress passed in 2001 and 2003, the highway bill will further grow the American economy, creating jobs, expanding opportunity, and changing lives along the way.

Less than a week since we passed one of the strongest, most pro-growth budgets in history and less than a week before we receive March job creation numbers, now is the perfect time for us to move on the highway bill. It is time, Mr. Speaker, to help the American people kick our economic recovery into high gear.

WE HAVE REASON TO BE SKEPTICAL OF RICHARD CLARKE

(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, I want to know which Richard Clarke we are supposed to believe. On his watch for 8 years our country suffered four terrorist attacks: in 1993 the New York World Trade Center, the Khobar Towers in 1996, in 1998 two African U.S. embassies, and in 2000 they attacked the USS *Cole*. Then in 2001, the 9/11 attacks occurred. The Clinton administration did nothing. It merely attacked some empty tents and a Sudan aspirin factory with a few cruise missiles. Richard Clarke himself admitted to PBS in 2002 that they should have taken out terrorist camps in Afghanistan in the 90s; but, according to him, there were "other considerations" that prevented this action.

Now Clarke attacks the Bush administration. Now he is suggesting that going into Iraq has diverted us from the more important goal of defeating al Qaeda, that we cannot do both. He is wrong. When we were attacked on 9/11, President Bush did not waste any time. He used the full power of our Nation to take out the Taliban and hunt down terrorists. Clarke even praised the President for his leadership.

Richard Clarke is guilty of the worst kind of spin, changing his story to avoid blame and make a profit on his new book.

HEALTH SAVINGS ACCOUNTS AN IMPORTANT COMPONENT OF MEDICARE MODERNIZATION ACT

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

Mr. SHIMKUS. Mr. Speaker, I am here today to talk on the Medicare Modernization Act. Tax-free health savings accounts that are accumulative allows the individual to pick up basic health care costs and shop around for quality and service, one of the great benefits of the Medicare Modernization Act. The other thing is then moving individuals into catastrophic health insurance plans which will be, obviously, in essence a lot lower than health care costs today. What people fear is the ability to lose their life savings on catastrophic illnesses. By having the catastrophic health insurance account, that will not occur and it will be at a cost that people can assume. But the only way we are going to bring down health care costs in America is to make sure that the consumer is involved in choosing their services based upon quality and service. No middlemen, the consumer. That is the benefit of the health savings account. The Medicare Modernization Act was real reform, and I am proud to have supported it.

MEDICARE

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

Mrs. BLACKBURN. Mr. Speaker, I was at home this weekend in the good Seventh District of Tennessee reading the Nashville Tennessean and there on the front page of the business section was a story with the headline, "Some Seniors Begin to See Benefit From Medicare."

Mr. Speaker, if you had been listening to the Democrats for the past 6 months, you would be stunned that the seniors were going to see benefits from Medicare. But here it is in black and white. This is what the story says:

"Seniors who do belong to a Medicare HMO have been showered with new benefits thanks to the Medicare Modernization Act Congress passed last year."

And this is all before the prescription drug card and the eventual prescription drug benefit even take place. Clearly, the Medicare reform President Bush and this Congress passed is helping seniors and that is exactly what it is supposed to do.

PRESCRIPTION DRUG PRICES

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

Mr. EMANUEL. Mr. Speaker, when we were off a couple of months ago debating the Medicare bill, we were told it was going to cost \$400 billion. We found out all along everybody knew it would cost \$550 billion, and nobody was told the absolute truth. Most importantly, you were not told. Not a single new benefit has gone to a senior citizen and the taxpayers are stuck with another \$150 billion hit. Now everybody wants to talk about the benefit that is going to come with a discount card giving a 25 percent discount. The costs of prescription drugs at the pharmacy are rising on average 19 percent a year for the last 7 years. So what you are going to see is what we all know happens at Neiman Marcus right before a sale, prices get jacked up as high as they can and then they offer a sale to give you a discount from the inflated prices. That is what is happening to prescription drugs right now at the pharmacy.

Seniors on average pay 40 to 50 percent more for their prescription drugs than people in Canada and Europe for the same drugs that have been developed here in the United States. What we need is a reimportation bill to bring the prices down, make them competitive, and get world-class drugs at world market prices rather than the 50 percent inflated prices that we pay here in America.

UNBORN VICTIMS OF VIOLENCE ACT HEADING TO PRESIDENT'S DESK

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, when a woman is attacked

and her child is killed, there is presently no penalty for the death of the child. Until now. Just last week, the Senate passed the Unborn Victims of Violence Act, also known as Laci and Conner's Law. It is on its way to the President's desk. Laci and Conner's Law declares that in an assault on a pregnant woman when a child is injured or killed, there are two victims. It makes the killing of an unborn child a prosecutable offense while specifically exempting abortions that are currently protected under *Roe v. Wade*.

The overwhelming majority, 80 percent of Americans, support the idea this law represents. They believe there are two victims, and they are right. Criminals are getting away with killing children, in many cases just days before delivery. This new law will put America back on record as valuing the lives of its children.

I want to again thank President Bush for his unwavering leadership on protecting and educating all of America's children.

PRICE OF GAS HITS ALL-TIME HIGH

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

Mr. MARKEY. Ladies and gentlemen, America now has the highest gasoline prices in history. OPEC is meeting once again to cut the amount of oil it is providing to the United States even as we have 130,000 young men and women over in the Middle East. That is a disgrace.

President Bush must insist that OPEC increase its production of oil. We should not suffer. The Christians had a better chance against the lions than the American consumer has against the OPEC cartel. We need a President who is not going to allow OPEC to tip us upside down and shake money out of the pockets of the American consumer. President Bush must insist that OPEC give to the United States what it deserves, an economy which is not harmed by OPEC with these rising oil prices which make it impossible for consumers to pay their bills or businesses to invest in any other service or product with the exception of their oil bill.

Tomorrow is the day, Mr. President. Let us have some relief for the American consumer and for the American businessman so our economy can grow.

□ 1015

IN SUPPORT OF AMENDMENT TO THE TRANSPORTATION BILL

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

Mr. FLAKE. Mr. Speaker, I come to speak about a very disturbing trend that we have here in Congress that both parties are guilty of perpetuating.

In 1982, in the Surface Transportation Assistance Act, when it was

passed, there were just 10 earmarks with a total value of \$385 million. In 1987, the bill contained 157 earmarks; and it grew to \$1.4 billion. In 1991, there were 538 earmarks at a cost of \$6 billion; in 1998, 1,800 earmarks at a cost of \$9 billion. This year, there are 2,300 earmarks in the transportation bill that we will be discussing this week.

When that happens, when there are earmarks, it takes away from the high-priority projects that the States have identified and instead puts money toward low-priority projects that are identified by a specific Member of Congress. That is simply wrong to take money from Arizona or California or Texas from that formula to fund an earmark in West Virginia or Alaska or Minnesota or elsewhere. We need to change this process now, and I urge adoption of an amendment which will do that.

APPOINTMENT OF CONFEREES ON
S. CON. RES. 95, CONCURRENT
RESOLUTION ON THE BUDGET
FOR FISCAL YEAR 2005

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, with the House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR.
THOMPSON OF CALIFORNIA

Mr. THOMPSON of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. THOMPSON of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

The SPEAKER pro tempore. The gentleman from California (Mr. THOMPSON) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. NUSSLE) will be recognized for 30 minutes.

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

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

Last week, the House passed a budget resolution for fiscal year 2005. They did

so on a straight party-line vote. But it was the alternative with the strongest budget enforcement provisions, the Blue Dog budget, that got the bipartisan support. Budget enforcement received bipartisan support in the Senate, also. They passed an amendment extending PAYGO rules to both revenue and spending measures with the support of a bipartisan majority.

Common ground, bipartisan ground, can be found on the issue of budget enforcement; and if we are really going to reduce the deficit, bipartisanship is a must.

Spring is a time of March Madness and the basketball tournament. But when it comes to responsible budgeting, I feel like it is baseball season around here.

On March 17, the House Committee on the Budget voted down a PAYGO amendment on a straight party-line vote. Strike one.

On March 24, the House Committee on Rules ruled out of order a PAYGO amendment on a straight party-line vote. Strike two.

And on March 25, the House approved a budget that had no PAYGO rules by a straight party-line vote. Three strikes, and we were out.

When it comes to budget enforcement, the House of Representatives struck out, but, unfortunately, it is our constituents that are the real losers here today. And our constituents understand that deficits impact them directly. They know that a \$477 billion deficit means that we are borrowing money from the Social Security Trust Fund to pay our bills. They understand that a \$7 trillion national debt means that \$50 billion of their hard-earned tax dollars are being sent to other countries every single year in interest payments on that national debt. Our constituents understand that Washington expects them to balance their budgets and to pay their bills. What they do not understand is why Washington does not require the same of ourselves.

Families across America sit down every week to balance their checkbooks. Our government, unfortunately, has not balanced its budget in 3 years. We have maxed out our national credit cards not once but twice; and instead of paying down the debt, we have increased our spending limit on that national credit card.

Today, we can send a clear message that Congress needs to hold itself to the same standards that it holds American families. Congress needs to pay for what it does. It does not matter if it is an increase in spending or a reduction in revenue. If it is important enough to become law, we should be required to pay for it. That is the motion to instruct that is before us today.

The motion instructs the conferees to agree to the strongest possible enforcement rules for all spending increases and tax cut legislation in the House and Senate, and it instructs conferees to adopt the Senate amendment on PAYGO as applied to all legislation that increases the deficit.

Members of the Blue Dog Coalition have been calling for the reinstatement of PAYGO on both revenue and spending since the Budget Enforcement Act expired in 2002. And it is not a partisan concept. As a matter of fact, in its original form, PAYGO was part of a bipartisan budget agreement between the first President Bush and a Democratic Congress. A Democratic President and Congress extended PAYGO in 1993, and a Democratic President and Republican Congress extended it again in 1997.

Members of both parties have long appreciated the PAYGO rules as an enforcement tool that helps Congress achieve and maintain a balanced budget.

Today, I urge Members of both parties to vote yes on this motion to instruct. Such a vote will tell our constituents that this House of Representatives understands that we are not sent here to play games with the budget, but we are sent here to balance the budget. It will say that we are serious about deficit reductions and that we are willing to reach that goal in a bipartisan fashion.

Mr. Speaker, I urge the Members to please vote "yes" on this motion to instruct.

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

First of all, I join the gentleman when it comes to paying for things as we go. Every family, as the gentleman from California said, has to pay for things as they go. When they have a bill come in from the light company or from the gas company or from the city, from the city office, to pay for the water or the garbage collection, they have got to pay as they go. When we go to the grocery store and buy the milk and buy the bread and buy the eggs, we have got to pay as we go.

Spending should be paid as we go. There is no question about that. There is bipartisan agreement, I think, for that. Spending should be paid for. It is an important concept. And the gentleman spoke about the outrages of government on the spending side.

But the argument gets a little bit fuzzy when we start talking about the income side or the revenue side. The gentleman wants budget enforcement. He has got a partner over here in the Committee on the Budget chairman. I certainly want and expect that we will have budget enforcement and an opportunity for Members to vote on budget enforcement this year. In fact, we passed a bill out of the Committee on the Budget together with the budget that was for the purpose of enforcement. When we pass a spending plan, we ought to enforce it so that there are not increases in spending.

Unfortunately, the Spending Control Act that the gentleman supports and that I support and that I think we have bipartisan agreement on supporting has been murky. There has been some murkiness applied to it. Because now, all of a sudden, people want to apply the same controls on spending over on

the tax cut side. And why do they want to do that? Because they do not support tax cuts, pure and simple.

If one comes to the floor today and they vote for this, it basically tells all of us that they do not support reducing the tax burden on Americans.

It would be one thing if for some reason the Federal Government was running out of taxes. I mean, if we came here today learning for the first time that the government was running out of money for some reason or another, that there were not taxes coming into the Federal Treasury, then I could see why people might be nervous and might say we ought to apply some kind of concern or more controls on the tax reform side of the debate. But, unfortunately, this is an arbitrary decision that comes in that sets yet again another 60-vote point of order on a Senate which already has the ability to enforce reduction in taxes with a 60-vote point of order, meaning that the way this bill or this rule would work is if they want to cut taxes in the Senate, they would have to get 60 votes to waive the rule that the gentleman is promoting today.

That is exactly what they would have to do if they wanted to pass a tax cut. So, instead of one vote, what the gentleman wants is two votes. Well, what is wrong with two votes?

The point of it is that why do we want to murky up the debate about controlling spending, about paying for things as we go by having yet another rule that comes in that will be gladly waived by everybody who wants to waive it, which has been cheerfully done time and time again not only in the other body but also in this body. Instead, what we should be doing is we should be controlling spending.

We passed a budget last week that controls that spending side, that says we should begin to pay as we go, but, unfortunately, what this motion does is it says that somehow the government should pay for taxes.

Think about that for a moment. We are coming up on April 15, a lot of people are going to be doing something very interesting about that point in time. They are going to be sending in a check to the Federal Government. And what does that do? It pays for taxes. So who pays for taxes in this country? The American people pay for taxes. How does the government pay for taxes? Seriously, think about that. How does the government pay for taxes? Does the government pay taxes? No. Each of us individually, I presume, pay taxes. I know I am going to be paying my fair share, and I am sure the gentleman from California and many other people who will come down here today will be paying for taxes. But does the government pay for taxes? No.

Now, if they come here today and they say they do not like the Tax Code, again I agree with them. The Tax Code is convoluted. Many of us on our side believe we ought to throw it out and start all over with a new Tax Code. If

they say they want to close loopholes, they should vote for the budget when it comes back. Because loophole closing will be part of that for corporations or for anybody who is trying to take advantage of a loophole within the Tax Code.

So if they do not like the Tax Code, if they do not like loopholes that are in the Tax Code, if they want to control taxes, if they want to use taxes as a way to stimulate investment, stimulate savings, stimulate job creation in this country, then that is something that we should be doing.

But to pay for taxes, there is only one group that pays for taxes, and those are taxpayers. We have an income side, and we have an expense side. The expense side we should pay as we go, but the income side, how do we pay for income as we go? It does not make any sense.

So the entire debate today is not a debate about some responsible decision about paying for tax cuts. It is a direct attempt to eliminate any discussion this year of tax cuts. And if that is what they want to do, if they do not want to cut taxes on the job creators in this country, if they do not want to cut taxes on farmers, if they do not want to allow for married people who were penalized for many years to continue under a regime that allows them to finally not be penalized for their marriage, if they want to continue the tax relief that was provided to families with children, if they want to continue the tax relief to small businesses that create most of the jobs in this country, then they will come down here and say, no, no, no, they are just trying to prevent us from cutting taxes.

□ 1030

It sounds very responsible, "pay-as-you-go." But remember who pays in this country: Taxpayers pay for taxes. The government does not pay for taxes. The government does not pay taxes.

One last thing that I want to say before I turn it back to my friend from California. As I was saying before, it would be one thing if the government was running out of money. If the debate today was, oh, my gosh, somehow tax cuts are irresponsible, because the government is running out of money. You allowed taxpayers to keep so much money that we are running out of money.

But here are the line items, and, since we are in the House, I will include this for the record, this revenue stream from the Congressional Budget Office, so that everyone can see this. But every single year under the budget, including tax relief, the amount of money that comes out here to Washington increases.

You might say to yourself, how is that possible? Do you mean to tell me if we pass tax relief, on the one hand, more money is coming in to the Federal Government? Is this done by magicians?

No, this is called an American economy that is now \$11 trillion and grow-

ing, and when it grows and when it surges, when jobs are created and when people are working and when taxpayers pay taxes, and that is who pays for taxes, more money comes in to the Treasury.

Just listen to this: This year we estimate \$1.8 trillion of taxes will be coming in to the Federal Government; next year it will be \$2 trillion; then \$2.2 trillion; then \$2.35 trillion; then \$2.475 trillion; then \$2.6 trillion.

That is growing by about \$150 billion a year, and that is a net figure. That is including us saying, taxpayers, keep your taxes; married people, keep those taxes you were being penalized; parents with children, keep that extra money for your kids. That includes us saying to small businesses, we do not want all that extra money, we want you to keep your jobs. That includes us saying to all those people, keep your taxes in your pocket. Do not send it out here in the first place, is what we are saying.

Every year more money comes in to the Federal Treasury. Not by JIM NUSSLE's account, not by any of us as Members, partisan or nonpartisan, but by the Congressional Budget Office. The Congressional Budget Office, which has the job of, in a nonpartisan way, looking at all of the statistics and giving us an idea of exactly how this is going to work.

People will come down here and say, do not believe figures 5 years from now. Just take this year to next, a \$200 billion increase in taxes coming in to the Federal Treasury, and we are assuming as part of that that we want to reduce taxes.

Again, the whole point of this is, who pays for taxes? My friends on the other side come rushing down here today with a motion saying the government pays for taxes. That is wrong. There is only one entity in America that pays for taxes, and that is taxpayers. And as taxpayers, they constantly tell us, time and time again, we spend our money more wisely, you should worry about how you spend your money.

Taxes are doing just fine. We are sending more money every year, as I just explained, to the Federal Government. What you need to control is spending. You ought to pay-as-you-go for spending. You ought to make sure that you are paying for that increase in spending. That is where you ought to worry about that, and you ought to control spending in order to accomplish getting back to a balanced budget, which ours does.

Our budget that we passed last week, on a party line vote, unfortunately, does just that. It controls spending, it gets us back to a balanced budget, and it does it by reducing the tax burden on Americans, by a small amount, in order to allow them to keep that money and allow them to spend that money more wisely.

Taxes are paid by taxpayers. Taxes are not paid by the government.

Mr. Speaker, I include for the RECORD the document referred to earlier.

FISCAL YEAR 2005 BUDGET RESOLUTION—TOTAL SPENDING AND REVENUES

[In billions of dollars]

Fiscal year	2004	2005	2006	2007	2008	2009	2005-2009
SUMMARY							
Spending:							
Total:							
BA	2,338.157	2,410.054	2,479.999	2,613.497	2,744.808	2,881.038	13,129.396
OT	2,295.012	2,406.565	2,492.322	2,590.618	2,711.444	2,844.614	13,045.563
On-Budget:							
BA	1,952.701	2,009.554	2,069.485	2,189.682	2,306.882	2,426.182	11,001.785
OT	1,911.236	2,008.020	2,084.056	2,169.193	2,276.173	2,392.699	10,930.141
Off-Budget:							
BA	385.456	400.500	410.514	423.815	437.926	454.856	2,127.611
OT	383.776	398.545	408.266	421.425	435.271	451.915	2,115.422
Revenues:							
Total	1,817.359	2,028.881	2,220.056	2,350.204	2,475.522	2,609.451	11,684.114
On-budget	1,272.787	1,456.452	1,618.994	1,720.721	1,816.661	1,919.701	8,532.529
Off-budget	544.572	572.429	601.062	629.483	658.861	689.750	3,151.585
Deficit (-):							
Total	-477.653	-377.684	-272.226	-240.414	-235.922	-235.163	-1,361.449
On-budget	-638.449	-551.568	-465.062	-448.472	-459.512	-472.998	-2,397.612
Off-budget	160.796	173.884	192.796	208.058	223.590	237.835	1,036.163
Debt Held by the Public (end of year)	4,386	4,776	5,062	5,315	5,564	5,812	na
Debt Subject to Limit (end of year)	7,436	8,088	8,677	9,246	9,827	10,424	na
BY FUNCTION							
National Defense (050):							
BA	461.544	419.634	442.400	464.000	486.149	508.369	2,320.552
OT	451.125	447.114	439.098	445.927	465.542	487.186	2,284.867
Homeland Security (100):							
BA	29.559	34.102	33.548	35.160	36.520	40.420	179.750
OT	24.834	29.997	33.298	35.635	36.979	38.401	174.310
International Affairs (150):							
BA	43.604	26.529	27.776	27.927	28.077	28.228	138.537
OT	29.281	32.848	30.017	26.714	25.323	25.099	140.001
General Science, Space, and Technology (250):							
BA	22.822	22.813	22.927	23.042	23.157	23.274	115.213
OT	21.897	22.453	22.683	22.743	22.763	22.863	113.505
Energy (270):							
BA	2.323	2.863	2.604	2.583	2.629	2.285	12.964
OT	0.059	1.201	1.397	1.040	0.662	0.891	5.191
Natural Resources and Environment (300):							
BA	32.021	31.212	31.568	31.897	32.101	32.777	159.555
OT	30.210	30.868	31.911	32.153	32.128	32.804	159.864
Agriculture (350):							
BA	19.908	21.087	23.374	24.278	24.042	24.903	117.684
OT	18.434	20.501	22.310	23.199	22.957	23.956	112.923
Commerce and Housing Credit (370):							
Total	14.577	8.692	7.442	6.827	6.405	6.080	35.446
BA	10.248	3.682	4.042	1.869	-0.011	-0.760	8.723
On-budget							
BA	17.077	10.792	10.242	9.727	9.705	9.580	50.046
OT	12.748	5.782	6.842	4.769	3.190	2.740	23.323
Off-budget							
BA	-2.500	-2.100	-2.800	-2.900	-3.300	-3.500	-14.600
OT	-2.500	-2.100	-2.800	-2.900	-3.300	-3.500	-14.600
Transportation (400):							
BA	62.937	64.216	64.311	64.442	64.539	64.638	322.146
OT	59.280	62.061	64.287	65.770	66.496	66.998	325.612

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

Mr. THOMPSON of California. Mr. Speaker, I yield myself 15 seconds to respond briefly to my friend.

Mr. Speaker, this motion to instruct is not about tax cuts, it is about balancing the budget. In 1993, when we had PAYGO rules, we passed tax cuts. In 1997, with PAYGO rules, we passed tax cuts. This is merely saying if a bill is important enough to pass, it ought to be important enough to pay for. The American people deserve it.

Mr. Speaker, I yield 5 minutes to my friend, the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget.

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

Mr. SPRATT. Mr. Speaker, I thank my good friend and fellow colleague on the Committee on the Budget for bringing this motion to instruct to the floor, and I rise to urge support amongst all Members, both sides of the aisle, for this motion to instruct conferees.

What does this motion do? It simply directs the conferees, who will be appointed today, to accept the pay-as-you-go provisions included in the Senate-passed budget resolution, which would make PAYGO applicable to both entitlement spending increases and tax decreases. It would make those steps on either side of the ledger deficit neutral in order to pass.

Let us not forget that we have a deficit this year of \$521 billion, and if you take the President's budget as projected by the Congressional Budget Office, the deficits over the next 10 years will accumulate to \$5.132 trillion. That is why this motion is necessary.

The Senate resolution creates a PAYGO point of order against any tax cut or any entitlement increase that adds to the deficit, the bottom line of the budget. That point of order can only be overridden by the vote of 60 Senators.

The gentleman here says, well, it takes 60 votes because of the filibuster rule to pass anything in the Senate. But there is a way around the filibuster rule in the budget process called reconciliation. If a tax cut is included

in the reconciliation provisions of a budget resolution which is passed by majority vote, by one vote is all that is necessary, then reconciliation can dispense with the 60-vote requirement.

So, in order to have at least 60 Senators stiffen their spines and stand up and say, and I would like to see the same procedures in the House, no, we are not going to commit this act of further increasing the deficit, this rule would apply.

In contrast to the PAYGO provision in the Senate budget, the House budget resolution which we passed last week by a narrow margin contains what I can best describe as a half measure. It is nonbinding language. It endorses a single-edge PAYGO rule, by which I mean it applies only to entitlement spending and not at all to revenues. The one-sided PAYGO rule in the House Resolution would make no effort whatsoever, none, to temper tax cuts, although, since 2001, tax cuts have added four times as much to the deficit, mounting deficit, as entitlement increases have.

Ironically, ironically, this form of PAYGO would also open the way to initiatives that might otherwise be spending entitlements. That is because it could allow them to become law as tax expenditures, put in the Tax Code, called tax cuts, without being offset, and this could actually worsen the deficit and further complicate the Tax Code.

The original PAYGO legislation was part of a budget summit agreement that was reached between the first President Bush and Congress in 1990. That rule was extended in 1993 and 1997 but allowed by Congress and the second President Bush to expire in 2002.

The original PAYGO rule cut both ways. It applied to both revenue decreases and entitlement increases, and it worked, Mr. Speaker, it worked. It was one of the basic steps that we took in a long, arduous journey that moved the government out of mammoth deficits, \$290 billion in 1992, to huge surpluses, \$236 billion in 2000.

The Senate version simply restores the rule to its original form, that is all. In the House Committee on the Budget, the renewal of PAYGO in its original form was explicitly endorsed by none other than the chairman of the Federal Reserve, Mr. Greenspan.

I asked him myself, Mr. Chairman, do you support the restoration of the PAYGO rule in its original form?

He said, absolutely, I do.

I asked, Mr. Chairman, would you apply it to expiring tax provisions?

Yes, sir, I certainly would.

He was unequivocal in his support for it.

So also is the AARP, the Concord Coalition, the Committee For Responsible budget, anybody who is a responsible, informed observer of the budget process, who knows what PAYGO did for the 1990s, it stiffened our spine and helped us put the budget into balance for the first time in 30 years. We need it today more than we did then, because we have, as I said, a deficit of \$521 billion. We have a cumulative deficit over the next 10 years of \$5.136 trillion if you do not include Social Security.

We need the PAYGO rule with both edges applicable today as like never before in both houses, the House and the Senate. If nothing else, if nothing else, this can be the one bold step we take in a budget that otherwise does very little to move us out of deficit.

So I urge everyone, vote for the motion to instruct, vote for PAYGO in its original proven-to-work form, applicable both to entitlement increases and tax decreases, vote for this motion, and reinstate one of the best rules we have ever had for putting the budget in balance.

Mr. NUSSLE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we buy and they pay. We buy and taxpayers pay. This is an attempt, in my view, to look for a tax increase. That is what this is about, increasing taxes.

We should not allow the Senate to impose a rule on the House. Sixty votes in the Senate just makes it harder to jump through yet another hoop in the Senate, and then I suppose one 60-vote hoop is more than enough. But we should not allow the Senate to impose those rules on the House.

If we are here to talk about rules of the other body, I could think of some good rules. How about a 51-vote rule for judges? We have got a lot of judges we need to appoint in this country. How about 51 votes? How about a new rule that says for voting on judges, it only takes 51 votes instead of 60?

How about a rule for the other body that says all bills shall be debated for not longer than 100 hours? That would be a pretty good rule. Not for the people watching C-SPAN necessarily, who would have to sit through a 100-hour debate, but do you not think one hour per senator would be enough to debate just about any bill? You would think so.

But, unfortunately, the way it works right now, it is unlimited. They could take up a bill and filibuster it for the rest of their lives, as long as they could stand on their feet.

So, there are a lot of rules that I would like to impose on the other body, if we wanted to talk about imposing rules.

I do not want to have the other body imposing rules on us. If we are serious about budget enforcement, we should pass a law, and that is the reason that we passed a very strong budget enforcement law on spending out of committee at the same time we passed the budget resolution.

That stronger bill is a bill that will be coming to the floor after we come back from the Easter recess, the district work period. It is not just a rule that can be waived, either by the House or by the other body, but it is a rule, it is a law, that is in statute, that actually helps us control spending. If you need to stiffen someone's spine, there is nothing like a law, rather than a rule, which have been traditionally and, unfortunately, waived.

It seems to me that, and parenthetically I would say to my good friend from South Carolina, we do not have a rule within the resolution with regard to spending, pay-as-you-go spending. The House did not pass a similar rule with regard to spending. But we do have a bill that we want to come to the floor after the district work period.

Again, the reason is because we believe on this side that spending is the concern, that is what you pay for, and that is what we should make sure we pay for, not reducing taxes to taxpayers.

Mr. THOMPSON of California. Mr. Speaker, I yield 3 minutes to my distinguished Blue Dog colleague, the gentleman from Hawaii (Mr. CASE).

□ 1045

Mr. CASE. Mr. Speaker, I rise in full and unqualified support of my col-

league from California's motion, a motion that asks this House to do what the Senate, on a bipartisan basis, has already done, a motion that Democrat and Republican Presidents, Democrat and Republican colleagues of Congress have passed; that the conservative Concord Coalition as well as Federal Reserve chair Alan Greenspan supports; a motion that any business, family, or consumer can understand and has to live by and, frankly, a motion that most Republicans in this Chamber would probably love to vote for, if only they could. It is a motion that stands for this basic principle: when you balance a budget, it is not balanced unless and until you balance it all.

Mr. Speaker, what is so hard about PAYGO? Why can my House colleagues on the other side of the aisle, in the party that professes budget discipline, not see what their own colleagues in the Senate see clearly? Is it a failure to understand, is it a failure to agree, or is it a denial of reality?

I cannot believe it is a failure to understand. My own teenage son understands that when he balances his budget, he cannot leave out any part of it. He cannot leave out the spending. He cannot leave out any potential reductions in income. My neighbors and I understand that there is a difference between a budget that has a home mortgage payment in it and a budget that does not. If my wife comes to me tomorrow and says, I am going to be making less next year than I made this year, do I ignore it in my budget calculations? No.

The States understand it. Every State understands PAYGO and practices it. Why? Because they have something that we do not have here: they have a balanced budget requirement. When they have a balanced budget requirement, they have to balance all of their budget.

It cannot be a failure to understand. If it is, we are all in trouble. I would like to believe it is a failure to agree; but then I would like to have a conversation, substantively, about what we do not agree on. No, I think it is a conscious failure to accept reality or, perhaps worse, an attempt to spin, to deceive, to accomplish a result by means other than up front.

Mr. Speaker, this is not about the substance of whether to reduce or increase taxes. This is not about the substance of whether to reduce or increase spending. This is about the consequences of actions. This is about the consequences of whether we reduce or increase taxes. This is about the consequences of reducing or increasing spending.

My colleagues are telling me that there are no consequences of a \$2 trillion aggregate tax cut. That is like saying there are no consequences of increasing our budget by \$2 trillion. Of course there are consequences. Do we want to talk about it in a budget context? Okay, fine. Let us talk about the tax cut. Let us talk about the dynamic

impact. Let us talk about jobs that may or may not be created, income coming in. But let us calculate it, factor it into a balanced budget. That is all this motion does. Let us live within our means and pay as we go.

Mr. NUSSLE. Mr. Speaker, I yield myself 1 minute to respond.

The gentleman used an excellent example about his son; and the next time he has this allowance conversation with his son, because I have a son and I have this conversation once in a while as well, I want the gentleman to tell him that he actually does not get an allowance. He actually pays for an allowance. Is that not interesting? Do we think that would go over very well? I know it would not go over very well with my 13-year-old son. He would not understand how in the world he pays for an allowance. I pay his allowance. The gentleman from Hawaii pays his son's allowance. The taxpayers pay the Federal Government's allowance, called taxes. They pay. We buy, they pay. People should not have to pay for taxes when they have already been paid for by the taxpayers, and that is the whole discussion that we are having here today.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. PUTNAM), a member of the Committee on the Budget.

Mr. PUTNAM. Mr. Speaker, I thank the gentleman from Iowa for yielding me this time, as it is a very important debate that we have here today.

The gentleman from Hawaii referred to consequences, and that is important. As a younger Member of the House, I like to view things for the long haul. We talk about the consequences of the decisions that are made here, not just for the next election cycle or the next fiscal year, or to put a Band-Aid on this budget, but the long-term fiscal consequences.

Frankly, I have been encouraged by a great deal of the debate that took place throughout the budget hearings and throughout the debate on the floor, because the positive consequence of this rising Federal deficit has been that we have attracted a good deal more fiscal conservatives to the cause. But the consequences of the Democratic amendments in committee were 28 billion new dollars in new spending. The consequences of the amendments in that markup were nearly 30 billion new dollars added to the Federal deficit, the consequences that would be borne by the next generation of Americans and taxpayers.

This debate centers around core values. Everyone, I think, is coming around to the idea that the deficit is a great, great problem that has to be dealt with. But when we get down into the details, the other team's plan wants to focus on making it more difficult to lower the tax burden on the American citizen, the American entrepreneur, the American homeowner, investor, worker; make it easier to increase the tax burden on that same

group of hard-working, hard-charging, thoughtful, innovative Americans, and not deal with the real issue, which is spending. Nearly two-thirds of the Federal budget now is mandatory spending. It is on auto pilot. The debate, the fights, the arguments, the outstanding eloquent rhetorical discussions that take place on this floor are about over one-third of the Federal budget. That is it.

Our plan and the Spending Control Act, which has the force of law that was marked up in the Committee on the Budget and will be on this floor before Memorial Day, deals with mandatory spending. It deals with the fact that Congress has failed to make some of the tough decisions over the past generations to get their arms around spending; and as a consequence, we have been far outpacing the spending of the American household.

Now is not the time, when we have a dual challenge, the challenge of getting the economy going, putting people back to work, bringing small businesses the opportunity to have a piece of the American dream, now is not the time to make it easier to raise taxes. And for us to adopt as a consequence, for us to adopt the other body's half-baked, cockamamie, crazy schemes to deal with this issue is nuts.

All of us have a difficult time explaining why the other body's rules require us to phase down the death tax on farmers and small businesses and then, boom, miraculously it is reborn 10 years from now in its old, in its old full, former glory of the highest rate possible. All of us have a difficult time explaining why it was such a great idea to end the marriage penalty, but we have to vote on it again this year; otherwise, it comes back, or that the American people will lose the expanded child tax credit. It is because of the other body's cockamamie rules that we do that, and now we want to adopt another one of their cockamamie rules and make it even easier to raise taxes on the American people.

Now is not the time to turn back that clock, Mr. Speaker.

Mr. THOMPSON of California. Mr. Speaker, I yield myself 30 seconds to respond.

Mr. Speaker, first I want to just make sure everybody understands, this does not make it more difficult to raise taxes. This merely makes it honest to raise taxes. My friend from Iowa is correct, taxpayers pay all right. They pay \$1 billion a day in interest on the national debt, \$50 billion a year in interest to countries like China and Japan and the OPEC nations.

When budgets do not balance, taxpayers do pay. That is why we need PAYGO.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise in strong support of this motion to instruct the conferees offered by my colleague on the Committee on the Budget,

the gentleman from California (Mr. THOMPSON).

We are on the verge of passing a \$2.4 trillion budget with a \$550 billion hole in it. Mr. Speaker, a \$2.4 trillion budget with a \$550 billion hole, showing that it is impossible to finance three wars with three tax cuts and get any other result. It has never been done in history. We are trying to do it now. What do we get for three wars and three tax cuts? A \$550 billion deficit.

This budget by the Republicans perpetuates the President's economic policies of the status quo, failed policies that have led to a jobless economy and a wage recession. Nearly 3 million Americans have lost their jobs since he has been President; 43 million Americans are without health care, of which 33 million Americans work full-time and have no health care; 2 million Americans who, prior to this administration were in the middle class, are now in poverty; and nearly \$1 trillion worth of corporate and individual assets have been foreclosed on in the last 3 years. What do they recommend doing? The same thing; put your foot on the accelerator and see if we can rush forward. And those are the results of the Bush economic policies.

What this PAYGO rule would be, just to be straight about it and not get into the, as some would say, cockamamie, arcane rules of the Congress, what this would do would force this Congress to pay for its policies. That is what this PAYGO rule would do, as cockamamie as it may sound; and it would change the economic direction of this Congress and this administration so we do not have the results of unemployment, lack of health insurance, lack of affordability on college education. That is what this would do.

It is a commonsense approach. It adopts what businesses do, families do, State governments do, and that is pay for the way you go. If you want to pay for more education, you have to do it.

Let me remind everybody, in the 1990s when we created 22 million jobs, poverty was cut in half, health care costs were contained, and we insured more Americans. This was part of that economic strategy that led to the greatest period of economic growth ever in American history. That was a piece, a central piece of the economic strategy. So it is about economic philosophy and strategy, but the results are in: one failed economic policies that have left more people without jobs, without health care, without the ability to afford college education; and one that had the greatest period of economic growth, greatest period of employment, and greatest period of poverty rates in the history of this country.

So that is what this debate is. I urge my colleagues to support the motion of the gentleman from California.

Mr. THOMPSON of California. Mr. Speaker, again, I yield myself such time as I may consume. In 1997, we cut taxes by \$100 billion as part of the Balanced Budget Agreement. This does not

do anything to hamper tax cuts. It just says we have to be honest. We have to pay for them. Pass the tax cuts, but pay for them.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the distinguished policy chair of the Blue Dog Coalition.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time. I would again point out, this motion is based on a simple philosophy that when you find yourself in a hole, the first rule is to quit digging. Take the shovels away from Congress and the President.

The budget enforcement rules Congress and the President enacted in 1990 were an important part of getting a handle on the deficits in the early 1990s and getting the budget back into balance. They have been tested and they have worked. There is no question that they significantly improve the responsibility and accountability of the budget process and were instrumental in going from large deficits in the 1980s to surpluses in the 1990s.

The principle of PAYGO, if we want to reduce our revenues or increase our spending, we need to say how we would pay for it within our budget, something all families have to do, because they understand it. If a family wants to give up a second job, they must first cut spending of what the second job is providing income for. That is so simple. Why is it so difficult for the majority to understand that?

If we want to reduce our revenues, we need to say what spending we will do without. If we want to increase spending, we need to say where it will come from. If we want to decrease revenues, where will it come from? If we are truly serious about restoring fiscal discipline, budget rules must apply to all legislation which would increase the deficit, both increased spending or reductions in revenues. All parts of the budget must be on the table.

Applying pay-as-you-go rules to tax cuts do not prevent Congress from passing more tax cuts, just the opposite. All it says is that if we are going to reduce our revenues, we need to reduce our spending by the same amount, just like families do.

□ 1100

Those who want to extend expiring tax cuts or make the tax cuts personal should be willing to put forward the spending cuts or other offsets necessary to pay for them.

My Republican colleagues continue to argue that budget rules should not apply to tax cuts because tax cuts will not increase the deficit. I wish they would actually look at the facts of what is happening.

To paraphrase Will Rogers, it is not what my Republican colleagues, particularly the budget chairman, do not know about the budget, because he knows a lot, that bothers me; it is them knowing so much that ain't so and continuing to come to this floor and saying it.

We have enacted now three tax cuts based on the theory that tax cuts will stimulate the economy and pay for themselves as a result of economic growth, and yet the deficit continues to grow. That is what we are here talking about: the deficit.

The budget written by the gentleman from Iowa (Mr. NUSSLE) that Congress passed last year said that revenues would be \$1.9 trillion in 2004. The President's budget came forward and said \$1.8. That is \$100 billion difference in estimates. That is all we are saying, that what do we do with that \$100 billion? We borrow it. We continue to pass on all of these debt and deficits to our children and grandchildren.

If my Republican colleagues actually mean what they say about controlling spending, they should have no problem with applying pay-as-you-go to tax cuts. Because it would force Congress to control spending when we pass the tax cuts instead of just promising to do so in the future.

The problem is, the actions of my Republican colleagues have not matched their rhetoric. If they match their rhetoric and actions, they will find significant bipartisan support to get our fiscal house back in order. That is what they are not doing. That is why we should support this motion to instruct.

Mr. NUSSLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we borrow it because we keep spending. The gentleman from Texas (Mr. STENHOLM) said, "What happens? It is because we keep spending. We keep spending."

I mean, the gentleman, I know he wants to respond, so let me just get in a couple of other jabs here, too, because he made some good points. But the gentleman said that, just like a family, if they reduce their income, they got to figure out how they are going to make ends meet. I agree with the gentleman.

The difference is, our income is not being reduced. Our income to the Federal Government, which comes from taxpayers who pay the taxes, and I know the gentleman knows that, but I am going to keep stressing it, they are paying more and more and more even with the tax relief that we have provided under this budget being made, as we say around here, permanent, which only means until the Senate figures out some cockamamie rule, as the gentleman from Florida said, that makes them all of a sudden snap back. They are only permanent until the Senate allows them to snap back under their rule.

So that is the problem we have got. We do not want another rule to make them just more difficult to be made permanent.

But, as the gentleman said, if there was less income coming in every year, the gentleman's points would be much stronger. But there is not less income. From this year to next year, first of all, \$1.8 trillion. Next year, it will be \$2 trillion. \$200 billion more will come in

next year than this year, even with the tax relief packaging made permanent.

So why do we keep borrowing? Because we keep spending. That is what this is all about. There are two sides of the ledger. There is an expense side and an income side. We do not pay for the income side. There is no reason for us to pay for the income side. Because that income side comes from taxpayers. The pay-as-you-go is from them.

The gentleman very eloquently said, when you are in a hole, stop digging. And my retort back to the gentleman from Texas (Mr. STENHOLM) is, when you are in a hole, stop digging in the pockets of taxpayers. That is the point that we are trying to make. They pay the taxes. Congress does not need a rule in order to have some kind of mechanism to pay for something we do not pay for.

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

Mr. THOMPSON of California. Mr. Speaker, I yield 15 seconds to the gentleman from Texas (Mr. STENHOLM) to respond.

Mr. STENHOLM. Mr. Speaker, my friend, the budget chairman, again continues to listen to only part of what I say. The revenue is not meeting the estimates of what he is saying in his budget, therefore, we had to borrow another \$110 billion in order to make up for it because his guesstimates are not, in fact, doing what is being said on this floor.

And spending is not my fault. The majority is the one that is spending all of this money they are talking about. It is time they take the responsibility for their own record on spending. They are spending it, not the minority.

Mr. THOMPSON of California. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. COOPER), a distinguished Blue Dog colleague and member on the Budget Committee.

Mr. COOPER. Mr. Speaker, the last point made by my friend from Texas (Mr. STENHOLM) is entirely true. The House and the Senate have been under Republican control for some time now. The spending that has occurred on their watch exceeds the highest levels previously in American history, exceeded spending rate of growth under LBJ.

It is wrong for them to deny responsibility for the spending surge that has occurred. The Heritage Foundation, the CATO Institute, other conservative Republican think tanks have pointed out the spending explosion has taken place under their watch, under their leadership, with their votes. The vote we are about to cast on the motion to instruct is one of the most important votes that we will cast in this Congress or in many people's careers in this Congress because PAYGO, pay-as-you-go, is one of the most important principles that we have in this body to control spending and to get our deficit under control.

This is not a theory. It has worked and worked well beginning with the

first President Bush through the Clinton administration to tame budget deficits.

But now we are faced with the largest budget deficit in American history. We need that same spending control device. It is not theory. Ask Chairman Greenspan, one of the great economists of our time. He could remember the very day that the previous PAYGO requirement expired, September 30, 2002, because that was a black day in modern American history. It basically told this Congress and the Republican majority, spend as you will.

We need PAYGO back and we need real PAYGO, not fake PAYGO, not play-go, not pretend-as-you-go. We need real PAYGO, the way our bipartisan Senate has passed it, so that we can get our budget deficit under control.

This is a kitchen-table issue. People back home understand it. I am happy to defend this in any civic club in America, because small business men and women, they understand they have to pay their bills. One has to pay their bills. They cannot understand why this Congress gets so wrapped up in some sort of ideology or something we forget to pay our bills, and that is why we have the largest budget deficit in American history going on today under Republican leadership.

We have to have PAYGO. It should have been passed in the budget last week. It was not. This is a chance to try to correct that mistake.

So I would urge my colleagues, men and women of goodwill on both sides of the aisle, to set partisanship aside, to think common sense again, to think kitchen table, to follow the advice of Alan Greenspan, to follow the leadership of the bipartisan Senate vote on this issue and have real PAYGO again. Pay as you go so that we will not increase our deficit anymore.

As my friend, the gentleman from Texas (Mr. STENHOLM) said, we will stop digging the hole that we are in. It is already \$521 billion deep. It is not just a 1-year hole. We are facing such a massive structural budget deficit that the President's own budget as submitted to this Congress said that the current path we are on is unsustainable.

Mr. THOMPSON of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), our Blue Dog colleague.

Mr. TURNER of Texas. Mr. Speaker, we are on this floor today trying to get our financial house back in order, trying to get this House to adopt a very simple, straightforward rule requiring us to pay as we go that has already been adopted by the Senate.

And it is really hard for me to understand why our Republican colleagues do not want to do this. I always thought they were the party of fiscal conservatism. They always wanted to balance a budget. Yet now they come to the floor and claim that the only remedy here is to cut spending when,

in fact, they control both Houses of the Congress and they control the White House. So if they think that is the answer, why do not they get on with it?

We just simply believe that you have got to run the Congress and the Federal Government like we do any household or any business. We have got to pay our bills. We have got to pay as we go. And why do we think that is so important? We think it is important because next year it is projected we will have the largest Federal deficit in the history of this country, over half a trillion.

We are going to come to this floor, and we are going to vote on 13 appropriations bills as we do every year to fund this government, and we are going to borrow 60 percent of that total of those 13 appropriations bills. One could not get by with that at home. One could not get by with that in their business. One cannot get by with it at city government, county government, State government. Why do they think we can do it here in Washington?

My colleagues act like it just does not matter anymore, that somehow they can just say it is all going to work out when they presented a budget that never even purports to get back into balance.

And deficits do matter. They are making this country weaker. How can we defend against terrorism if we do not have any cushion to fall back on financially? How can we expect to get this economy going again and how can we expect to avoid the high interest rates that everyone projects in the future that will be contributed to by the fact that the Federal Government is borrowing all these billions of dollars?

Deficits do matter. That is a simple rule adopted by the Senate to try to impose a little discipline on this Congress, on this House. And the truth of the matter is, if you vote with us, the Committee on Rules majority can waive this rule any time they get ready and my colleagues can do whatever they want to out here.

All we are trying to do is send a clear message that this Congress and the fiscal conservatives in this Congress believe we need to get back to balancing our budget, paying as we go, and recognizing that deficits do matter because they make this country weaker, they make us have an inability to have a strong economy, they make it impossible for us to be able to have a strong national defense.

And it is morally irresponsible to pass on debts created by this generation to the next generation. We have got soldiers today in Iraq fighting for this country that are going to come home and enter the private sector and get to pay the bills for the war that they are fighting that we refuse to pay for.

There has never been a war in the history of our country where the American people did not step forward and pay the bills for the war. This is the first. We want fiscal discipline. We believe it is important for this country.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds to respond.

Mr. Speaker, first and foremost, let me say to the gentleman from Texas (Mr. TURNER) there is not a Member on this side that is refusing to pay for the bill for the war. And if we want to roll out the record votes in not only this body but also the other body for who paid for our men and women over in the field, I will be glad to do that. Because there will be a very interesting name that is left off the list. He happens to be running for President right now.

The second thing the gentleman said is that we have to pay our bills, and we agree. Who gets the bill for taxes? Taxpayers get the bill for taxes. They pay the taxes. Nobody else.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on the Budget.

Mr. PORTMAN. Mr. Speaker, I thank my friend, the gentleman from Iowa (Mr. NUSSLE), the Committee on the Budget chairman, for bringing forward a budget that this House could support which does, in fact, get spending under control and does grow the economy.

And let me respond briefly to my friend from Texas who just spoke and my friend from Tennessee who spoke before that about spending. Because they seem to be saying that somehow the Republicans do not care about deficits, do not care about spending. Nothing could be further from the truth.

Let us talk about the truth. The Democratic substitute, which my friends on the other side of the aisle voted for, has not less spending, it has more spending. In fact, in 2005 alone it has \$21.6 billion more spending. Over 5 years, it has \$135 billion more spending. And that is more spending on education, they want more spending on the environment, they want more spending on health care, they want more spending on science, they want more spending on homeland security, they want more spending on international commitments. More spending, not less spending.

Now, they will say in response, well, we pay for our spending. How do they pay for it? By raising taxes. And who do they raise taxes on? They raise taxes on what they say are the wealthy. Turns out a lot of the wealthy are small businesses. Because most small businesses in this country pay their taxes through the individual tax system. Therefore, you are not an entrepreneur. You are an innovator. You are the person out there creating jobs. Because most jobs are created by small businesses, you are going to get taxed for more spending.

Now, I know people do not like to hear the tax and spend characterization, but that is what it is. It is more spending, and it is more taxes. And all the budget enforcement in the world is not going to help if you take this approach of more taxes and more spending. That is what they have chosen to

take. That is the honest truth. That is the difference that we are talking about here.

Now the question is, how should we enforce whatever budget we think is right? We think there ought to be less spending, and we think there ought to be a continuation of the tax relief. And, incidentally, we think that for a very simple reason, because we know when we look back at history the only way to get the deficit under control is by growing the economy and restraining spending.

□ 1115

That is exactly what the gentleman from Iowa (Chairman NUSSLE) has rolled out in his budget that this House has supported. It is the only way it works.

In 1997 we learned that. On a bipartisan basis we stood together and said we are going to get this budget under control. We said we will get it under control within 5 or 6 years, by 2001 or 2002. It happened in 2 years. Why? Because the economy grew.

Getting the economy to grow is absolutely the reason we put the tax relief in place in the first place and it is working. We had the fastest economic growth in the last 6 months in the most recent data we have than we had in 20 years. Jobs are coming back, not as fast as we would like; but jobs are coming back as we see the economy is growing. It is working.

Why would we want to at this point go back to raising taxes just as things are beginning to turn around, as we are getting the economy back on its feet? As the economy grows and as you keep spending under control, you get the deficit down. It is a very simple calculation. It happens to be one that works, and we know it works.

I would just like to say, with regard to the concerns about then how do we enforce the budget, and I have explained why I think our budget is better than the approach that my friends on the other side of the aisle have proposed, how do you enforce it, absolutely we should enforce it. I am all for PAYGO, as are the Members of my side of the aisle; and we have a commitment, as my colleagues know, from our leadership to bring a PAYGO bill, meaning you pay for spending as you go, before Memorial Day. We will do that, and that is very important. If you do not have a budget, though, you have nothing to enforce.

What we are saying is we ought to have a budget that allows the economic growth to continue, that restrains spending and then put in place the PAYGO rules.

They would like to have PAYGO rules include taxes. I would ask my colleagues, let us say a few years from now we go into another economic slump, as this President inherited from his predecessor. Would we not want to be able to put in place pro-growth tax relief as we have done three times in the last 3 years? I think we should be

able to do that. I think we should be able to do that in a way that indicates that tax relief, appropriate tax relief is the way we grow the economy. So we need to be very careful not to equate spending and taxes.

I commend, again, my friend, the gentleman from Iowa (Mr. NUSSLE), for a great budget; and I commend him for encouraging our leadership to bring a PAYGO provision to the floor which will happen before Memorial Day.

Mr. THOMPSON of California. Mr. Speaker, I briefly yield 15 seconds to the gentleman from Texas (Mr. TURNER), ranking member of the Select Committee on Homeland Security, to respond to some comments that were made regarding national defense.

Mr. TURNER of Texas. Mr. Speaker, I want to respond to the chairman of the Committee on the Budget's comments.

We simply looked at our budget today, and we see that if we take all nondiscretionary spending that we are going to vote on in the 13 appropriations bills and we just eliminate all nondefense homeland security, we are not paying for the defense of homeland security portion of our budget. That is how bad a shape we are in.

So I would say it is fair to say we are not paying for defense, we are not paying for the conflicts that we are facing.

Mr. THOMPSON of California. Mr. Speaker, I yield 15 seconds to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, in the Democratic budget resolution, let me remind the gentleman, we incur a lower deficit than their resolution. Every year for 10 years, we incur \$1.2 trillion less debt than the President's resolution, and we merely bring spending back to baseline so that we can restore what is needed for priorities like education and veterans health care.

Mr. THOMPSON of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from California (Mr. THOMPSON) has 4½ minutes remaining. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining. The gentleman from California has the right to close.

Mr. THOMPSON of California. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, this chart tells an important story about pay-as-you-go rules, about the importance of the real pay-as-you-go rule that was adopted as part of the bipartisan budget agreement in 1990 and the folly, as our budget goes back into deep deficits, of adopting a phony pay-as-you-go rule going forward.

Members who were here in the 1980s remember the well-intentioned, but in-

effectual, Gramm-Rudman-Hollings procedures, where there was rampant gaming of the budget process, all kinds of rosy scenarios that ultimately failed to mask rising deficits.

Finally, in 1990, the first President Bush—who, unlike the present President Bush, understood the first rule of holes, which is if you are in one, stop digging—the first President Bush joined with the then-Democratic congressional leadership to conclude a courageous 1990 budget agreement which put the pay-as-you-go rule in effect. That proved to be very hard to game. It proved to be effective, along with the statutory caps on discretionary spending. And so, along with the 1993 Clinton budget plan passed with Democratic votes alone, the two budget plans, 1990 and 1993, with tough pay-as-you-go rules, produced the reduced deficits throughout the 1990s and actually took us into surpluses, now only a fond memory, surpluses that enabled us to pay off almost \$500 billion of the national debt.

In 1997, we concluded another bipartisan budget agreement. Our friend, the chairman of the Committee on the Budget, was one of 219 Republicans who voted for the renewal of the 1990 pay-as-you-go rule, a real pay-as-you-go rule, the one that they now disparage.

We are now going back into deep deficits. What an inopportune time, not only to let the pay-as-you-go rule expire, which our friends on the other side of the aisle did a couple of years ago, but now to propose a defective rule that has no promise for getting ahold of this situation!

It is like trying to fill a bucket with water when there is a hole in that bucket. We can simply not balance the budget with constraint on the entitlement side alone.

Our friend Mr. NUSSLE has talked about the revenues that are going to be coming in future years. What he did not mention was the revenue picture from 2000 to the present, where we have each year had reduced revenues coming in, the price of tax cuts that were not paid for.

So we need a real pay-as-you-go rule that follows the formula that worked so well in the 1990s. The Republican proposal is a sham, and I urge my colleagues to vote for the motion to instruct.

Mr. NUSSLE. Mr. Speaker, could I inquire how much time is left.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining. The gentleman from California (Mr. THOMPSON) has 2½ minutes remaining.

Mr. NUSSLE. Mr. Speaker, I would say to my friend from California, I have no other speakers; and I am prepared to close if the gentleman is.

Mr. THOMPSON of California. We are prepared to close.

Mr. NUSSLE. Mr. Speaker, I yield myself the balance of the time.

There was a gentleman earlier who indicated that this may be the most

important, the most important vote in a congressional career. I have to say to the gentleman, I doubt it. This is a motion to instruct conferees. The conferees were just appointed, and it is what we refer to around here as a non-binding resolution. Okay. I think we probably have had a few other votes that are more important than a non-binding resolution to tell conferees to do something in the other body and apply a rule to our body, but I will play along just for the sake of the debate because I think it is an important debate, even though it may not be the most important vote.

Our friends on the other side have, as I said, during the budget they have learned the words of fiscal responsibility, but they have not yet learned the music. The words are real easy to say. When you are in a hole stop digging. Well, of course, when you are in a hole stop digging, but stop digging in the pockets of the American people for more of their money so that you can keep digging, which is exactly what they did.

They presented a budget alternative on the floor that kept digging, and what did they do in order to stop the digging? They were digging in the pockets of the American people for more of their money called taxes. Why do they do that? Because they know who pays taxes. We do not pay taxes. The Federal Government does not pay taxes. The Congress, as a body, pays taxes individually but not the Congress, the House of Representatives or the other body. The only people in this country that pay taxes are taxpayers, and so when we apply a pay-as-you-go and increase spending, guess who pays. We go and they pay. We buy and they pay. All the time, more spending, they pay.

The second thing the gentleman from other side said, well, you have got to pay your bills. We agree and we will be bringing a bill to the floor that says you should pay your bills. Now you should not have to bring a law to the floor that says pay your bills. I would agree with the gentlemen on the other side that have said we have lost that discipline and we need to get that back on the spending side. There is no question, and we will do that; and we will have a debate on spending and paying your bills, and we should have that debate. But who gets the tax bill?

When a bill is presented, you pay it. Who is presented the bill for taxes? The taxpayers, that is who pays. So by saying we should have pay-as-you-go for taxes, my colleagues are basically saying we want to take more money from the American people.

We have heard about children's allowances. I want my colleagues to apply this principle to their kids and actually go to them and say, guess what, Johnny, you did not know this, but you pay for your own allowance. I mean, that is not only a head scratcher for them, but if a family was faced with this, we have heard a lot about families

and kitchen tables today. If a family found out that the amount of money they were bringing in was increasing, all right, every year, their income, what would they do in order to deal with the hole that they were in? They would tighten their belt, and this is exactly what we have done. They would not say, all of the sudden, let us pay for an increase in taxes by some offsetting income. That is a goofy rule.

You pay for taxes as a taxpayer, not as the government. The government pays for spending. That is where the rules should apply. Let us vote down this motion to instruct.

Mr. THOMPSON of California. Mr. Speaker, I yield myself the balance of the time.

This has been a very interesting and very telling debate. It has been a debate about paying our bills. Unfortunately, our colleagues across the aisle have tried to make this into some bogeyman about tax cuts, and there is nothing, nothing that could be further from the truth.

This is about balancing our budget and paying for what we spend. My friend from Iowa's constituents in his district and my constituents on the north coast, if they go in to get a farm loan or a car loan or a home mortgage loan, the bank looks at both their spending patterns and their revenue source. That is because they understand that the difference between spending and revenue is the deficit, something we all agree we have to get under control.

The chairman and the gentleman from Ohio (Mr. PORTMAN) understood this, too, back in 1997 when they joined 217 other Republicans to vote for a measure that put PAYGO in place; and I might add that PAYGO that they voted for in 1997 was actually stronger than the language that we are voting on today. It was statutory and they voted on a measure with Democrats, bipartisan measure, that passed a \$100 billion tax cut as part of that budget agreement.

I would be interested in knowing what has changed today other than the fact that our deficit and our debt is much higher than it was back then.

Mr. Speaker, if this Congress is serious about deficit reduction, this Congress needs to stand together, and we need to vote to support the PAYGO rules that apply to both revenue and spending. Our constituents today deserve it, and future generations deserve it. I urge my colleagues to vote "yes" on this motion to instruct.

Mr. MICHAUD. Mr. Speaker, the motion before the House today is very simple. The question is: Do we want to pay for spending and tax cuts or do we want to pass this burden off on our children?

Will we run the government like there is no limit to our debts or will we act responsibly, and work to balance our books?

The other body has passed responsible pay as you go rules thanks to bipartisan support, especially from the delegation representing my home State of Maine.

The State of Maine is full of small business owners, farmers, and fisherman—working families that must balance their own books.

Before my time here, I spent 22 years in the Maine Legislature. We always worked together in a bipartisan way to pass balanced budgets.

Pay as you go budget rules should allow us the opportunity to work in that same bipartisan way here in Washington.

Nearly all of us can agree that we need to return the budget to balance. The American people know, and we know that we cannot run deficits in excess of \$230 billion year after year.

The best way that we can do this is to make sure that any policy that would increase the deficit is paid for.

The American people want to run our own government responsibly.

I urge my colleagues in both parties to pass this motion and show the American people that we will work to balance the books.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. THOMPSON).

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

Mr. THOMPSON of California. 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, further proceedings on this motion will be postponed.

THE JOURNAL

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

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be followed by a 5-minute vote on the motion to instruct conferees on Senate Concurrent Resolution 95.

The vote was taken by electronic device, and there were—yeas 353, nays 55, answered "present" 1, not voting 24, as follows:

[Roll No. 96]

YEAS—353

Abercrombie
Aderholt

Akin
Alexander

Allen
Andrews

Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr

Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hoolley (OR)
Hostettler
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo

Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCreery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
 McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda
 T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner

Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis

Ackerman
Baird
Baldwin
Ballance
Brady (PA)
Capuano
Cardoza
Cooper
Costello
Crane
Crane (TN)
DeFazio
DeFazio
English
Filner
Ford
Gillmor
Graves
Green (TX)
Gutknecht

NAYS—55

Hart
Hefley
Hinchee
Johnson, E. B.
Larsen (WA)
Larson (CT)
Latham
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moore
Oberstar
Olver
Otter
Pastor
Peterson (MN)
Platts

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—24

Barton (TX)
Bell
Berman
Blackburn
Conyers
Culberson
DeMint
Dingell

Fossella
Frank (MA)
Gephardt
Harris
Houghton
Hoyer
Hulshof
Knollenberg

Neal (MA)
Sanders
Stark
Tanner
Tauzin
Taylor (NC)
Thornberry
Waxman

PERSONAL EXPLANATION

Mr. KNOLLENBERG. Mr. Speaker, on March 29, 2004 and the morning of March 30, 2004, I was unavoidably absent and missed rollcall Vote Nos. 94, 95, and 96. For the record, had I been present, I would have voted: Rollcall Vote No. 94—"Yea"; rollcall Vote No. 95—"Yea"; rollcall Vote No. 96—"Yea."

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question on the motion to instruct conferees on the Senate concurrent resolution, S. Con. Res. 95.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. THOMPSON) on which the yeas and nays are ordered.

This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 209, nays 209, not voting 16, as follows:

[Roll No. 97]
YEAS—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bereuter
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva

NAYS—209

Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
 Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot

Gutierrez
Harman
Hastings (FL)
Hill
Hinchee
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoolley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Klecza
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo

Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabó
Sanchez, Linda
 T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vislosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

Dunn	King (NY)	Ramstad
Ehlers	Kingston	Regula
English	Kirk	Rehberg
Everett	Kline	Renzi
Feeney	Knollenberg	Reynolds
Ferguson	LaHood	Rogers (AL)
Flake	Latham	Rogers (KY)
Foley	LaTourette	Rogers (MI)
Forbes	Lewis (CA)	Rohrabacher
Franks (AZ)	Lewis (KY)	Ros-Lehtinen
Frelinghuysen	Linder	Royce
Galleghy	LoBiondo	Ryan (WI)
Garrett (NJ)	Lucas (OK)	Ryun (KS)
Gerlach	Manzullo	Saxton
Gibbons	McCotter	Schrock
Gilchrest	McCrery	Sensenbrenner
Gillmor	McHugh	Sessions
Gingrey	McInnis	Shadegg
Goode	McKeon	Shaw
Goodlatte	Mica	Sherwood
Goss	Miller (FL)	Shimkus
Granger	Miller (MI)	Shuster
Graves	Miller, Gary	Simmons
Green (WI)	Moran (KS)	Simpson
Gutknecht	Murphy	Smith (MI)
Hall	Musgrave	Smith (NJ)
Harris	Myrick	Smith (TX)
Hart	Nethercutt	Souder
Hastert	Neugebauer	Stearns
Hastings (WA)	Ney	Sullivan
Hayes	Northup	Sweeney
Hayworth	Norwood	Tancredo
Hefley	Nunes	Terry
Hensarling	Nussle	Thomas
Herger	Osborne	Thornberry
Hobson	Ose	Tiahrt
Hoekstra	Otter	Tiberi
Hostettler	Oxley	Toomey
Hunter	Paul	Turner (OH)
Hyde	Pearce	Vitter
Isakson	Pence	Walden (OR)
Issa	Peterson (PA)	Walsh
Istook	Pickering	Weldon (FL)
Jenkins	Pitts	Weldon (PA)
Johnson (CT)	Platts	Weller
Johnson (IL)	Pombo	Whitfield
Johnson, Sam	Porter	Wicker
Jones (NC)	Portman	Wilson (NM)
Keller	Pryce (OH)	Wilson (SC)
Kelly	Putnam	Wolf
Kennedy (MN)	Quinn	Young (AK)
King (IA)	Radanovich	Young (FL)

NOT VOTING—16

Bell	Fossella	Neal (MA)
Berman	Frank (MA)	Tanner
Burton (IN)	Gephardt	Tauzin
Conyers	Houghton	Taylor (NC)
Culberson	Hoyer	
DeMint	Hulshof	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PARLIAMENTARY INQUIRY

Mr. THOMPSON of California (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman may inquire.

Mr. THOMPSON of California. Mr. Speaker, everyone has voted. How long does the Chair plan to keep the roll open?

The SPEAKER pro tempore. It is a minimum 5-minute vote.

Mr. THOMPSON of California. So what is the maximum, Mr. Speaker?

The SPEAKER pro tempore. There is no maximum.

Mr. THOMPSON of California. Mr. Speaker, I thought that we had House rules that limited the time that the roll could be kept open.

The SPEAKER pro tempore. There is no House rule that limits the time. Rule XX provides a minimum time.

Mr. THOMPSON of California. Mr. Speaker, how long will the Chair keep the role open on this particular vote?

The SPEAKER pro tempore. Until all the Members wishing to vote have voted.

Mr. THOMPSON of California. Mr. Speaker, how long has the roll been open?

Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. THOMPSON of California. Mr. Speaker, how long has the roll been open on this 5-minute vote?

The SPEAKER pro tempore. Thirteen minutes on this minimum 5-minute vote.

Mr. THOMPSON of California. How much longer does the Chair plan to keep the roll open?

PARLIAMENTARY INQUIRIES

Mr. SPRATT (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SPRATT. Mr. Speaker, if the purpose of setting the vote at 5 minutes was to save time, the House's time, what purpose is served by allowing the roll to stay open for more than 20 minutes?

The SPEAKER pro tempore. The Chair is exercising his discretion.

Mr. SPRATT. Mr. Speaker, but if the original purpose was to save time, why are we now extending time?

The SPEAKER pro tempore. The Chair is exercising his discretion and can do so under the rule.

Mr. SPRATT. Can the Chair give us an estimate of when he expects to close the roll and announce the vote?

The SPEAKER pro tempore. The Chair cannot predict the future.

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. RANGEL. Mr. Speaker, could the brilliant Chair share with us the basis of his discretionary decision on this most important vote?

The SPEAKER pro tempore. The Chair has the discretion as to when to close a vote.

Mr. RANGEL. I know that, Mr. Speaker.

The SPEAKER pro tempore. After the minimum time has expired.

Mr. RANGEL. Mr. Speaker, we will never challenge the Chair's discretion, because we appreciate the intelligence which he brings to this august body. So that is the reason why we should like to support the Chair if he could only share with us the basis of his decision.

The SPEAKER pro tempore. Another Member has entered the Chamber to vote.

Mr. RANGEL. Mr. Speaker, I think this one vote has answered my question. The Chair wanted just one more affirmative vote.

□ 1222

Messrs. DUNCAN, OSE, SMITH of Michigan and WHITFIELD changed their vote from "yea" to "nay."

Mr. OWENS changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, I was unavoidably detained on rollcall 97, the motion to instruct conferees. I was attending a memorial service for the wife of a very dear friend and, therefore, could not attend. Had I been in attendance, I would have voted for the motion to instruct, which I understand would have made the tally 210 for and 209 against.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees: For consideration of the Senate concurrent resolution and the House amendment, and modifications committed to conference: Messrs. NUSSLE, PORTMAN and SPRATT.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, 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, rule XX.

RECORD votes on postponed questions will be taken later today.

WELCOMING THE ACCESSION OF BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA, AND SLOVENIA TO THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 558) welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO), and for other purposes, as amended.

The Clerk read as follows:

H. RES. 558

Whereas since 1949 the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its allies in Europe and North America;

Whereas since 1994 Congress has repeatedly endorsed the enlargement of NATO through the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, the Gerald B. H. Solomon Freedom Consolidation Act of 2002, the Transatlantic Security and NATO Enhancement Resolution of 2002, and House Concurrent Resolution 209 (2003);

Whereas NATO heads of state and government, meeting in Prague on November 21, 2002, invited Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to commence accession negotiations with NATO;

Whereas on March 26, 2003, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia signed accession protocols to the Washington Treaty of 1949;

Whereas on May 8, 2003, the Senate voted 96-0 to give its advice and consent to ratification by the United States of the seven accession protocols;

Whereas on March 2, 2004, NATO Secretary General Jaap de Hoop Scheffer announced that all 19 NATO members had deposited with the United States Government their instruments of ratification of the accession protocols;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have reformed their political and economic systems in preparation for NATO membership;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have undertaken defense reform programs that will enable each country to contribute to NATO operations and are working to meet the financial responsibilities of NATO membership by spending or committing to spend at least two percent of their gross domestic product on defense;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have contributed to military operations in Bosnia and Herzegovina, Kosovo, Afghanistan, and Iraq;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia became members of NATO on March 29, 2004, and are expected to be welcomed by NATO heads of state and government when they meet in Istanbul on June 28 and 29, 2004;

Whereas Albania, Croatia, and Macedonia, the remaining countries currently in NATO's Membership Action Plan, signed the United States-Adriatic Charter on May 2, 2003, thereby affirming their commitment to the values and principles of NATO, their willingness to contribute to the peace and security of southeast Europe, and their desire to join the Alliance at the earliest possible time;

Whereas in 2003 Congress, in House Concurrent Resolution 209, urged NATO to invite Albania, Croatia, and Macedonia to join NATO as soon as each of these countries respectively demonstrates the ability to assume the responsibilities of NATO membership through the Membership Action Plan;

Whereas the Governments of Albania and Macedonia supported Operation Iraqi Freedom and are contributing forces to stabilization operations in Iraq and to the NATO-led International Security Assistance Force in Afghanistan; and

Whereas the Government of Croatia elected in November 2003 has demonstrated its commitment to implementing reforms and meeting conditions for integration into Euro-Atlantic institutions, including the defense reforms necessary for NATO membership, and has contributed forces to the NATO-led International Security Assistance Force in Afghanistan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes with enthusiasm the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO);

(2) reaffirms that the process of NATO enlargement enhances the security of the United States and the entire North Atlantic area;

(3) agrees that the process of NATO enlargement should remain open to potential membership by any interested European democracy that meets the criteria for NATO membership as set forth in the 1995 Study on NATO Enlargement and whose admission would further the principles of the Wash-

ington Treaty of 1949 and would enhance security in the North Atlantic area; and

(4) recommends that NATO heads of state and government, meeting at Istanbul on June 28 and 29, 2004, should agree to review the enlargement process, including the applications of Albania, Croatia, and Macedonia, at a summit meeting to be held no later than 2007.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 558, as amended.

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

There was no objection.

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

Madam Speaker, this Member is extremely pleased to offer this resolution welcoming the accession to NATO membership of seven Central European democracies: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

Yesterday, these seven nations became America's newest allies when their prime ministers presented Secretary of State Powell with their instruments of accession. Secretary Powell recalled their struggle for freedom and promised that "by joining NATO's bond of collective security, Article 5 and all, you will remain free."

Later, President Bush yesterday publicly welcomed their leaders to the alliance on the south lawn of the White House. In his remarks, the President noted, "The countries we welcome today were friends before they were allies, and they were allies in action before becoming allies by treaty."

The decision to admit former communist nations from Central and Eastern Europe, Madam Speaker, into the Atlantic Alliance, is one of the great successes of American and Alliance foreign policy since the end of the Cold War. It is a bipartisan success promoted by Republicans and Democrats in the Congress and by both the Clinton and Bush administrations. It is also a success in which the House of Representatives has played an important role.

Since 1994, the House has repeatedly declared its support for NATO enlargement and the fundamental role of NATO in transatlantic security. We recognize that throughout its history NATO has succeeded not only in keeping its MEMBERS free, but in extending that freedom to new lands that have long yearned for freedom's blessings.

Already, the three nations that joined NATO in 1999, Poland, Hungary

and the Czech Republic, have been contributing to the Alliance and its operations in Bosnia and Herzegovina, Kosovo and Afghanistan. Furthermore, Poland has been a major contributor to Operation Iraqi Freedom and currently commands a multinational force in south central Iraq.

The current round of enlargement, the fifth in NATO's history, will further erase the dividing lines across Europe that were drawn at Yalta and will further extend the zone of peace and security in the North Atlantic region.

Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are already contributing to the Alliance, with each of these new allies contributing to one or more of NATO's ongoing operations. In addition, six of them have forces on the ground in Iraq.

That is far from their only contribution. Last year as president of the NATO Parliamentary Assembly, this Member traveled to all seven of these countries; and after those visits, this Member is confident that they and their membership will reinvigorate the Alliance. In fact, the new vigor is already being felt.

Because the citizens of these new MEMBER countries have recent memories of living under oppressive dictatorships, they are especially committed to NATO and its collective defense guarantee.

Having fought so long and hard to gain their freedom, they know how precious freedom is and how fundamentally important the defense of freedom remains. They have pledged that they are ready to defend their freedom and ours, and we are very fortunate to be able to call them our allies.

In addition to noting the accomplishments of the incoming NATO members and welcoming their accession to the Alliance, this resolution also reaffirms the support of the House for the process of NATO enlargement and for keeping NATO's doors open.

Finally, this resolution expresses our support for the remaining candidates for NATO membership, at this point, Albania, Croatia, and Macedonia.

To ensure that the enlargement process continues after the accession of the seven new members, the resolution recommends that the leaders of the NATO nations at this summer's Istanbul Summit "should agree to review the enlargement process, including the applications of Albania, Croatia and Macedonia, at a summit meeting to be held no later than 2007."

This language is consistent with the language of the relevant communique from the 1999 Washington Summit at which Alliance leaders welcomed Poland, Hungary, and the Czech Republic to NATO membership. That communique called for a summit meeting to review the enlargement process to be held "no later than 2002," that is, 3 years after that summit.

Scheduling a 2007 enlargement summit would also establish a 5-year cycle for NATO enlargement. Three nations

received invitations in 1997 at Madrid, and seven nations were invited in 2002 in Prague. This Member believes that this is a reasonable timetable, one that gives NATO time to incorporate the seven new members, while absolutely ensuring that the three remaining candidates are not forgotten and that they have met the necessary requirements to be full-fledged partners in NATO.

Madam Speaker, yesterday was a historic day for America's seven newest allies as they joined the most successful Alliance in history and thereby secured the freedom that they had fought so hard to gain. This Member urges his colleagues to vote for this resolution in order to welcome these countries to NATO and to ensure that NATO's door remains open to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia, and probably to countries to follow.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this resolution.

Madam Speaker, first I want to commend my friend, the distinguished gentleman from Nebraska (Mr. BEREUTER), for his outstanding leadership as the current president of the NATO Parliamentary Assembly and as a long-time champion of NATO in our Congress over many years. He is serious and thoughtful in his leadership, and he has served our Nation well through his commitment to NATO and in many other ways.

Madam Speaker, it gives me pleasure and a sense of personal delight to welcome seven new members to NATO. I passionately believe that in NATO we have a powerful group of allies who share our democratic values and objectives.

Congress has consistently led the way in supporting NATO enlargement and in promoting a strong and robust role for NATO. NATO is the longest effective alliance in our time, and it has endured because it is comprised of free and democratic nations. No country was ever forced to join the Alliance by a larger and stronger power. There can be no better endorsement of NATO's success than the eagerness of the newly emerging Central and East European democracies to be part of it.

□ 1230

The accession of seven countries is a milestone in Central and Eastern Europe where, not long ago, some people were skeptical about the fate of democracy and human rights. Some argued that the American emphasis on democracy in this region was misplaced and that our Nation's efforts would fail. We proved the skeptics wrong.

These new NATO allies have taken positive steps to advance their integration into Europe, and they have already contributed to the security and the stability of that continent. They

have acted as de facto NATO allies by contributing forces to both peace-keeping and other military operations, both within and outside of Europe, in Afghanistan and in Iraq.

So today, Madam Speaker, as we raise seven European flags at NATO headquarters, we again reaffirm the close friendship and partnership we have with Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia; and we express our desire that this friendship grows stronger and even more vibrant within NATO.

Madam Speaker, let me just say a few words about Russia's relationship to NATO. It is evident that as Russia strives to join the international community of democracies, it is in Russia's interests to have the arena of stability and prosperity in Europe expanded to Russia's borders. It is clear that if democratic forces gain strength within Russia, these democratic forces will welcome the enlargement of NATO and the growth of stable democracies in adjacent countries. It is not in Russia's interests to have a country on its border which is a totalitarian and authoritarian state, like Belarus. It is in Russia's interests to have countries nearby which are democratic, such as Estonia, Latvia and Lithuania, prosperous, free, and proud members of NATO.

During the Cold War, Madam Speaker, I never accepted the notion that NATO threatened Russia, and I do not accept it now. There is no NATO leader who has the slightest ambition to invade or act in a way that is contrary to Russia's long-term interests. NATO's leadership hopes for the evolution of a democratic and prosperous and stable Russia. The leadership and the members of NATO want nothing more for the Russia people than an improvement in their economic conditions and an improvement in their political and civil liberties.

In conclusion, let me just say a word about the responsibility of NATO out of area. When NATO was established, Madam Speaker, it was designed as a shield against the Soviet Union. Thanks to our efforts, the Soviet Union no longer exists, and NATO must find for itself a new *raison d'être*. That new *raison d'être* is in places like Afghanistan and Iraq, where the free and democratic way of life we enjoy and other NATO members enjoy is threatened.

Now, NATO today performs a very limited function in Afghanistan. I call upon NATO leadership to dramatically increase its presence in Afghanistan. Short of that happening, the new Afghanistan will collapse, and we will have countless hearings as to the reasons why. Well, we know what the reasons would be. It is the failure of NATO members to have a presence in Afghanistan commensurate with the need.

In Iraq, NATO has a profound responsibility. While NATO members were divided initially with respect to moving into Iraq, today there is not a NATO member who has not benefited by the establishment of stability in that coun-

try. I call upon the leaders of all NATO countries, old NATO countries and the seven new ones, to recognize that for NATO to have any reason for existence, it must be present in a robust way in places that can desperately use NATO's presence. I call upon our leadership and the leadership of all NATO countries to recognize this. And I look forward to the time in the very near future when NATO will be present in both Afghanistan and in Iraq, in a major and robust way, that can guarantee success in these two important areas.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume for a brief set of comments, and I want to thank the gentleman for his outstanding statement and for his generous remarks directed toward this Member.

I would say to the gentleman with respect to Iraq and with respect to Afghanistan, the two subjects that the gentleman addressed towards the remaining part of his time, I certainly am in absolute agreement. The gentleman will recall, of course, that the House and the Senate have both expressed their view that NATO should take a larger role in Iraq and that, in fact, we should call upon the resources of the United Nations where appropriate. I am sure the gentleman is concerned about the lack of resources from NATO countries being directed towards Afghanistan at this critical time.

Madam Speaker, it is now my pleasure to yield time shortly to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is a graduate of the U.S. Military Academy and who had the experience of being an infantry officer in a combat unit stationed on the Czechoslovakian border before, in fact, the Wall came down and before we moved to now admit, some 3 or 4 years ago, the Czech Republic to NATO. The gentleman has taken an outstanding interest and involvement in the NATO Parliamentary Assembly as a rapporteur or co-rapporteur on a number of important reports for the Defense and Security committee and, I might also say, he has a special interest in our Baltic neighbors who are, by actions yesterday, joining NATO.

Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Madam Speaker, it is a wonderful day. Actually, the great day was yesterday, and it is an honor to be here on the floor with the gentleman from Nebraska (Chairman BEREUTER) and the gentleman from California (Ranking Member LANTOS), who have become great friends in this battle. It is a battle that I have really been fortunate to join, really at the closing of it. It is an important step forward to President Bush's goal and others within the administration's goal of a Europe whole, free, and at peace.

It was great at the ceremonies yesterday when, on the lawn, on the east lawn, not only was the current administration there, but representatives of previous administrations: the Honorable Jean Kirkpatrick was there, the Honorable Madeleine Albright was there, Sandy Berger was there. So it really shows that NATO enlargement is really something that has lasted the test of time.

At a time in our country where there seems to be great divisiveness, one unifying aspect is NATO enlargement. I am proud to be a Member of the House where I think all enlargements, actually, the momentum has always started, I think from the Madrid enlargement to even this most recent round. I think the other body gets a lot of credit because of their votes, but we do not want to shy away or take a second seat to anybody in our position and our push for NATO enlargement.

I have enjoyed the relationship with the American citizens who still have a great respect and honor for their ethnic heritage and their home countries. These American citizens, who have fought in our wars and have given their lives for freedom and democracy, really ask their government to do a simple thing and help return that type of stability, peace, and freedom to their home countries, the countries of their birth, the countries of their forefathers. NATO does that.

The North Atlantic Treaty Organization brings a collective self-defense mission to again address that area of a Europe whole and free, so it is just a very important and exciting day. So I appreciate the resolution, because we should be part of the celebratory aspect and make sure that we are on record saying a job well done.

There is still much work to go before us, as both the gentleman from Nebraska (Chairman BEREUTER) and the gentleman from California (Mr. LANTOS) have mentioned. But we are going to be much stronger as a united world, united under basic principles of freedom and democracy and the rule of law when we address totalitarian regimes than we would be to continue to have a fractured environment in Europe.

We know what these new entrants are already doing. Actually, they have come through the membership action plan, which was not an easy task. When we have these democracies move from a centralized market economy to a free market economy, that creates a lot of stress on the way that the government used to provide services. These governments had to decide whether they needed to move aggressively with large parts of their dollars to transform themselves to be prepared to enter NATO. That is not easy, when you are changing from a system where the government is providing for all of the basic needs and now you are taking money away to increase the ability for self-defense. So they need to be applauded. They have gone through the process of reform in the military, in

the economy, the rule of law; and the membership action plan really helped do that.

Now they have also come to the forefront in the war on international terrorism. I know a lot of folks understand that it is important what they have given after September 11, their involvement in Afghanistan and for many their involvement in Iraq; and it is not a small task to ask these new emerging democracies to send their sons and daughters overseas for a cause of freedom, peace, and security in the world.

So this is really appropriate that we do this. Bulgaria is focused on engineers and mine-sweepers; Romania on unmanned aerial vehicles and mountain troops; Slovakia, nuclear, biological, and chemical defense units; Slovenia, mountain warfare troops; Estonia, military divers and mine countermeasures; Latvia, explosive ordnance disposal; and Lithuania, Bulgaria, Latvia, Slovakia, and Slovenia will provide special operations forces.

So they are going to be additive to NATO. But where they are really going to be more additive, actually a multiplier, is really their heart and soul. These countries still have the scars of totalitarian regimes. They still hurt as they look at what has occurred to their countries over the decades. They bring an understanding of the cause for freedom and democracy. That is a message that sometimes those of us who have experienced and benefited from democratic governance for many years, we sort of take for granted and forget. Not after September 11, of course. But they are reenergizing NATO. They are bringing their commitment, their heart and soul.

I wholly applaud, really, the international community, the United States for our leadership, and really the membership countries for saying, this is the right thing to do at the right time. The world will be stronger and more at peace because of the most historical organization in the history of the world that has kept the peace for over 50 years, the North Atlantic Treaty Organization. I am honored to have the chance to be on the floor to recognize them. I look forward to their added power as we move forward in this very dangerous and difficult time in this world.

Mr. LANTOS. Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE), our distinguished colleague and my good friend.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from California (Mr. LANTOS), and the gentleman from Nebraska (Mr. BEREUTER) as well.

I represent an enormously diverse district. I am reminded of the Kosovo war and the refugees that wound up in Albania. We found ourselves in Houston hosting a number of those individuals who had come for refuge during that terrible time of ethnic cleansing.

As I reflect upon that, I reflect on how important it is for this Nation to remain engaged internationally and to be able to promote democratization and collaboration.

□ 1245

My first introduction to this was joining the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER) at the European Union. I want to acknowledge their leadership, the respect that they receive internationally, and certainly in that body, when we discussed the opportunities for Central and Eastern European countries to be part of the NATO Alliance.

I recall visiting the NATO Alliance, which is a very, if you will, strong structure and I think has a very deliberative leadership at that Alliance and noted the importance of that institution to Europe's safety. But, as we spoke, we recognized that, as these nations would attempt to join the Alliance, there were several things that they had to engage in. As my good friend who just spoke on the floor of the House acknowledged, they had to overcome the scars of the kind of dictatorships and the kinds of governments that they had had in the past.

I was very proud to note that they were eager to do so, to diversify their economy, to begin to look at opportunities for all of their citizens to be part of the dream of promoting a diverse economy and a diverse political system.

They are now welcomed into the NATO family because they want to stand united against the war on terrorism or with us on the war on terrorism. They are eager, I think, to find a way to democratize, and I use that word in quotes, as it fits both their culture and their understanding. They desire to be allies.

And I would, just as I welcome them, extend this welcome on the grounds that we all work together for peace in this world. It is easy to enter into conflict and war but not so easy to extract oneself and to promote peace.

Because they have experienced the devastation of a divided and devious government, bloodshed, rebellions through a long history, it is a very fine statement of the NATO Alliance and the United States that we have worked closely with them to bring them to this point and that they have joined and accepted the criteria for admission into NATO.

I thank with great enthusiasm the number of Members of Congress who independently through their interaction on international parliamentary exchange have been at the forefront of working with these particular nations and to bring them to this point. So my hat is off to the gentleman from Nebraska (Mr. BEREUTER) for his continued leadership and interest in collaboration and as well continued exchange in promoting democracy, peace and freedom, and certainly to my

good friend, the gentleman from California (Mr. LANTOS), the ranking member, who has steadfastly been a member of the Human Rights Caucus, ranking member on the Committee on International Relations in the House, and a continued voice for promoting democracy and justice. I want to applaud him for what he has been persistent in, the bringing to the table, if you will, of these nations to the table of equality and to the table of peace and to the table of discussion and to the table of strength, and that is with the North Atlantic Treaty Organization.

I ask my colleagues to enthusiastically support this legislation, H. Res. 558, as a commitment to the friendship that now exists with these countries in the North Atlantic Treaty Organization.

Mr. SMITH of New Jersey. Madam Speaker, I join my colleagues in strong support of House Resolution 558, welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization.

During my tenure in Congress, I have had considerable interaction with the leaders of these countries, as well as the opportunity to witness the transitions which have occurred. For several of our new NATO allies I first encountered as one-party communist states, as Warsaw Pact adversaries and as "captive nations." As Chairman of the Helsinki Commission, I have closely monitored their human rights performance and encouraged their democratic development. The transition for some has been particularly difficult, particularly with the effects of regional conflicts, political or economic crises. Throughout, their peoples have been our friends. Now, they become our allies.

While we must congratulate these countries, first and foremost, on the progress which brought them to this historic point, we can also take some credit for the investments we decided to make, through the human resources and bilateral assistance which planted the democratic ideals that now have triumphed. In my view, the returns on those investments have been notable.

In addition to these seven new NATO members, the resolution before the House also encourages the three members of the Adriatic Charter to continue their efforts toward eventual NATO membership. I particularly want to comment on Croatia. That country has had a particular challenge since 1990. As Yugoslavia fell apart and Croatia asserted its independence, the country faced not only the challenges of democratic transition but of surviving the Yugoslav conflict. From 1991 to 1995, significant portions of the country were destroyed or occupied. The conflict in neighboring Bosnia led to massive inflows of refugees. Croatia itself was vulnerable to those leaders with highly nationalist and less than democratic instincts.

While all of this slowed their transition, Croatia has rapidly moved—especially since 2000—to meet their democratic potential. In the last elections, a smooth transition in government took place, and we have a bilateral relationship which continues to strengthen over time. In addition, Croatia has become a key contributor to stability in a part of Europe where stability is highly fragile.

It is my hope, Madam Speaker, that we recognize this progress as Croatia seeks membership in NATO. Once Croatia meets the criteria for membership, the invitation to join should be extended. I would hope that the upcoming Istanbul summit will make this clear and mandate an assessment of Croatia's progress in this regard. It would be wrong and counter to U.S. interests to leave Croatia or any other country otherwise qualifying for NATO membership waiting unnecessarily.

I believe that taking this action would also encourage its Adriatic Charter partners, Albania and Macedonia, in meeting the criteria for membership more quickly. Rather than abandon its partners, Croatia will help them make progress as well. Albania and Macedonia are also good friends of the United States and would benefit from this encouragement. Ultimately, Bosnia and Herzegovina and Serbia and Montenegro would benefit as well, all in the interest of European security and, therefore, U.S. security interests.

Mr. STUPAK. Madam Speaker, thank you for this opportunity to welcome the nine new members of the North Atlantic Treaty Organization (NATO).

For the last 55 years, the United States and its allies have worked through NATO to "make the world safe for democracy." The accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to full NATO membership will further strengthen this alliance and enhance the security of the United States and all NATO countries.

I would like to extend an especially warm welcome to Slovakia. In the 107th Congress, I introduced, and the House passed, H. Res. 253 to commend the Slovak Republic for its progress toward political and economic liberty and efforts to meet the guidelines for prospective NATO members.

Slovakia, a once authoritarian regime, embraced a pro-Western government in 1998 and freed its citizens from international isolation. Since independence, the Slovak government has successfully held free and fair elections three times. In their last elections, over 70 percent of eligible voters turned out to express their newfound democratic right.

I am certain that as a member of NATO, Slovakia will contribute to the protection of member states and significantly benefit the security and peace of Europe and the region as a whole. Slovakia's leaders value their participation in our military alliance, and its citizens align themselves with NATO's common values and democratic mission.

The resolution we are voting on today reaffirms that NATO's enlargement enhances United States and North Atlantic area security, and agrees that NATO's enlargement should be open to membership by any European democracy that meets NATO membership criteria and whose admission would further the principles of the Washington Treaty of 1949 and enhance North Atlantic area security."

I am proud to vote for this resolution, and I believe that Slovakia, and the other new members, will greatly enhance our alliance's security and further its principles. I am pleased to be able to welcome them to NATO.

Mr. CARDIN. Madam Speaker, I rise in strong support of H. Res. 558, which welcomes the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO).

Earlier this month I celebrated the 86th anniversary of the declaration of independence of Lithuania with my constituents and the Lithuanian Society in Baltimore. I am very enthusiastic about the accomplishments of the Lithuanian people and my optimism for that nation's future. As you know, I am of Lithuanian heritage and share your special interest in Lithuania's development.

I am proud of the United States' strong support for Lithuania through the extension of membership to the NATO alliance, and the continued endorsement for the nation's integration into the European Union. In 2003 the U.S. Senate unanimously ratified Lithuania's inclusion into NATO, and praised Lithuania for "serving as an example to emerging democracies worldwide."

As as an invited member of NATO and the European Union, the Republic of Lithuania plays a role in promoting security abroad and in combating international threats. Since 1994, the Lithuanian Armed Forces have demonstrated this commitment by deploying over 1,300 servicemen on missions to the Balkans and, most recently, Afghanistan and Iraq.

Lithuania's accession to NATO really marks the return of Lithuania to the Euro-Atlantic partnership and alliance, as we face the new challenges of the global war on terrorism.

Lithuania has made considerable progress towards a functioning market economy, and has enjoyed some of the highest domestic product growth rates in all of Europe. I am therefore pleased to see that Lithuania will shortly be joining the European Union (EU), which will grow from 15 to 25 members on May 1, 2004.

By joining the EU, the nation will greatly benefit from a larger, more integrated European marketplace. We should continue our partnership to further strengthen Lithuania's economic growth.

I am also pleased to report that in the last decade Lithuania has made great progress in the area of human rights, rule of law, and religious freedom all while pursuing further integration into European political, economic, and security organizations. As a member of Congress, I serve on the Commission on Security and Cooperation in Europe, commonly known as the Helsinki Commission. I also serve as the Chairman of the Economic Committee of the OSCE Parliamentary Assembly. Lithuania, among other countries, has agreed to the terms of the Helsinki Final Act, which calls upon governments to respect religious freedom and minority rights as well as guarantee free speech and political dissent. Lithuania has successfully moved to establish a strong democratic government, holding fair elections since 1991 and supporting an independent judiciary—both of which are critical components for maintaining rule of law and fighting corruption in any country.

Madam Speaker, I am pleased to join my colleagues in supporting this resolution, in saluting the accomplishments of Lithuania and looking forward with great pride and expectation to the future. I urge my colleagues to take a moment to reflect on the unique Lithuanian culture and its contribution to the world.

Mr. LANTOS. Madam Speaker, we have no additional speakers, and I yield back the balance of our time.

Mr. BEREUTER. Madam Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her kind

remarks and knowledgeable comments. I thank my colleague from California (Mr. LANTOS) again for his continued interest and leadership in this subject area.

Madam Speaker, I urge all Members to support this resolution. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 558, 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. LANTOS. Madam 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.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 THROUGH 2006

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3036) to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3036

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations for fiscal year 2004.

Sec. 102. Authorization of appropriations for fiscal year 2005.

Sec. 103. Authorization of appropriations for fiscal year 2006.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.

Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.

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Sec. 207. Extension of matching grant program for law enforcement armor vests.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

Sec. 211. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime

Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.

Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.

Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.

Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.

Sec. 225. Expansion of grant programs assisting enforcement of domestic violence cases to also assist enforcement of sexual assault cases.

Sec. 226. Change of certain reports from annual to biennial.

Sec. 227. Clarification of recipients and programs eligible for grants under Rural Domestic Violence and Child Abuse Enforcement Assistance program.

Subtitle D—Preventing Crime

Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.

Sec. 232. Changes to distribution and allocation of grants for drug courts.

Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.

Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.

Subtitle E—Other Matters

Sec. 241. Changes to certain financial authorities.

Sec. 242. Coordination duties of Assistant Attorney General.

Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.

Sec. 244. Repeal of certain programs.

Sec. 245. Elimination of certain notice and hearing requirements.

Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.

Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.

Sec. 248. Office of Audit, Assessment, and Management.

Sec. 249. Community Capacity Development Office.

Sec. 250. Office of Applied Law Enforcement Technology.

Sec. 251. Availability of funds for grants.

Sec. 252. Consolidation of financial management systems of Office of Justice Programs.

Sec. 253. Authorization and change of COPS program to single grant program.

Sec. 254. Clarification of persons eligible for benefits under Public Safety Officers' Death Benefits programs.

Sec. 255. Research-based bullying prevention programs.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Technical amendments relating to Public Law 107-56.

Sec. 302. Miscellaneous technical amendments.

Sec. 303. Minor substantive amendment relating to contents of FBI annual report.

Sec. 304. Use of Federal training facilities.

Sec. 305. Privacy officer.

Sec. 306. Bankruptcy crimes.

Sec. 307. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.

Sec. 308. Technical correction relating to definition used in "terrorism transcending national boundaries" statute.

Sec. 309. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.

Sec. 310. Expanded jurisdiction for contraband offenses in correctional facilities.

Sec. 311. Magistrate judge's authority to continue preliminary hearing.

Sec. 312. Recognizing the 40th anniversary of the founding of the Lawyers' Committee for Civil Rights Under Law and supporting the designation of an Equal Justice Day.

TITLE IV—KOBAYASHI ACT

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Establishment of an Office in the Department of Justice to undertake specific steps to facilitate the capture of terrorists who have harmed American citizens overseas and to ensure that all American victims of overseas terrorism are treated equally.

Sec. 404. Authorization of appropriations.

TITLE V—MATTERS RELATING TO INTELLIGENCE AND COUNTERINTELLIGENCE

Sec. 501. FBI Office of Counterintelligence.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.

There are authorized to be appropriated for fiscal year 2004, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$133,772,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$197,420,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$70,000,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$665,346,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$141,898,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,556,784,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105-147), and violations of laws prohibiting unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account "General Legal Services" as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$4,639,569,000, which shall include—

(A) not to exceed \$11,174,000 for construction, to remain available until expended;

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$733,843,000, which shall include not to exceed \$14,066,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,677,214,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,601,327,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$851,987,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$156,145,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$550,609,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,212,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,526,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,949,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,051,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$814,097,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: \$34,077,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$140,083,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses

of the Office of Justice Programs, the Office on Violence Against Women, and the Community Oriented Policing Services program, the following sums:

(A) \$106,016,000 for the Office of Justice Programs.

(B) \$13,622,000 for the Office on Violence Against Women.

(C) \$29,684,000 for the Community Oriented Policing Services program.

(22) LEGAL ACTIVITIES OFFICE AUTOMATION.—For necessary expenses related to office automation: \$33,240,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: \$1,000,000.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2005.

There are authorized to be appropriated for fiscal year 2005, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$186,551,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$202,518,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$71,400,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$657,135,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$136,463,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,547,519,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105-147), and violations of law, against unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account "General Legal Services" as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$5,058,921,000, which shall include—

(A) not to exceed \$1,250,000 for construction, to remain available until expended;

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$743,441,000, which shall include not to exceed \$1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,706,232,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,661,503,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$868,857,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$177,585,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$580,632,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,220,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,833,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$21,759,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$10,650,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$938,810,000.

(19) JOINT AUTOMATED BOOKING SYSTEM.—For the necessary expenses of the Joint Automated Booking System: \$20,309,000.

(20) INTEGRATED AUTOMATED FINGERPRINT.—For the expenses necessary for Integrated Automated Fingerprint activities: \$5,054,000.

(21) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$101,971,000.

(22) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Community Oriented Policing Services program, the following sums:

(A) \$118,730,000 for the Office of Justice Programs.

(B) \$13,894,000 for the Office on Violence Against Women.

(C) \$30,278,000 for the Community Oriented Policing Services program.

(23) LEGAL ACTIVITIES OFFICE AUTOMATION.—For necessary expenses related to office automation: \$80,510,000.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$190,282,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$206,568,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$72,828,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$670,278,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$139,192,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,578,469,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105-147), and violations of law, against unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account "General Legal Services" as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$5,160,099,000, which shall include—

(A) not to exceed \$1,250,000 for construction, to remain available until expended;

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$758,310,000, which shall include not to exceed \$1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,800,357,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,694,733,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$886,234,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$181,137,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$592,245,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,244,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$10,030,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,194,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$10,863,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$957,586,000.

(19) JOINT AUTOMATED BOOKING SYSTEM.—For the necessary expenses of the Joint Automated Booking System: \$20,715,000.

(20) INTEGRATED AUTOMATED FINGERPRINT.—For the expenses necessary for Integrated Automated Fingerprint activities: \$5,155,000.

(21) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$104,010,000.

(22) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Community Oriented Policing Services program, the following sums:

(A) \$121,105,000 for the Office of Justice Programs.

(B) \$14,172,000 for the Office on Violence Against Women.

(C) \$31,343,000 for the Community Oriented Policing Services program.

(23) LEGAL ACTIVITIES OFFICE AUTOMATION.—For necessary expenses related to office automation: \$82,120,000.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751-3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

"Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program";

(B) by amending section 500 to read as follows:

"SEC. 500. NAME OF PROGRAM.

"(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

"(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a)."; and

(C) by inserting after section 500 the following new sections:

"SEC. 501. DESCRIPTION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

"(A) Law enforcement programs.

"(B) Prosecution and court programs.

"(C) Prevention and education programs.

"(D) Corrections and community corrections programs.

"(E) Drug treatment programs.

"(F) Planning, evaluation, and technology improvement programs.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any

purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

"(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

"(1) neighborhood or community-based organizations that are private and nonprofit;

"(2) units of local government; or

"(3) tribal governments.

"(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

"(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

"(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

"(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

"(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

"(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

"(A) vehicles, vessels, or aircraft;

"(B) luxury items;

"(C) real estate;

"(D) construction projects (other than penal or correctional institutions); or

"(E) any similar matters.

"(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

"(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

"(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

"SEC. 502. APPLICATIONS.

"To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

"(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

"(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or

amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

“(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

“(A) the application (or amendment) was made public; and

“(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

“(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

“(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

“(A) the programs to be funded by the grant meet all the requirements of this subpart;

“(B) all the information contained in the application is correct;

“(C) there has been appropriate coordination with affected agencies; and

“(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

“SEC. 503. REVIEW OF APPLICATIONS.

“The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

“SEC. 504. RULES.

“The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

“SEC. 505. FORMULA.

“(a) ALLOCATION AMONG STATES.—

“(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

“(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

“(i) the total population of a State to—

“(ii) the total population of the United States; and

“(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

“(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

“(ii) the average annual number of such crimes reported by all States for such years.

“(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a “minimum allocation State”), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

“(A) allocate 0.25 percent of the total amount to each State; and

“(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the

population of and the crimes reported by such State.

“(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

“(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

“(2) 40 percent shall be for grants to be allocated under subsection (d).

“(c) ALLOCATION FOR STATE GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

“(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

“(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

“(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

“(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

“(2) ALLOCATION.—

“(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the ‘local amount’), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

“(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2005, 2006, and 2007, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

“(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

“(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

“(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

“(ii) but for this paragraph, the amount of funds allocated under this section to—

“(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the

unit of local government certified pursuant to clause (i); or

“(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

“(B) In this paragraph, the term ‘geographically constituent unit of local government’ means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

“(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

“(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

“(2) ALLOCATIONS UNDER \$10,000.—If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

“(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

“(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State’s allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

“(g) SPECIAL RULES FOR PUERTO RICO.—

“(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to

the Commonwealth government of Puerto Rico.

(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term ‘unit of local government’ means a district attorney or a parish sheriff.

SEC. 506. RESERVED FUNDS.

‘Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

(1) \$20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which \$1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

(2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

SEC. 507. INTEREST-BEARING TRUST FUNDS.

(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

(b) EXPENDITURES.—

(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

‘There is authorized to be appropriated to carry out this subpart \$1,095,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.’

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking ‘such as’ and all that follows through ‘the M.O.R.E. program’ and inserting ‘such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program’.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking ‘pursuant to sec-

tion 511 or 515’ and inserting ‘pursuant to section 515’;

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking ‘the program evaluations as required by section 501(c) of this part’ and inserting ‘program evaluations’;

(ii) in subsection (a)(2), by striking ‘evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part’ and inserting ‘evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part’; and

(iii) in subsection (b)(2), by striking ‘programs funded under section 506 (formula grants) and section 511 (discretionary grants)’ and inserting ‘programs funded under section 505 (formula grants)’;

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ‘section 506’ and inserting ‘section 505’; and

(ii) in subsection (a)(1), by striking ‘an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503’ and inserting ‘an assessment of the impact of such activities on meeting the purposes of subpart 1’;

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking ‘the purposes of section 501 of this title’ and inserting ‘the purposes of such subpart 1’; and

(ii) by striking ‘the application submitted pursuant to section 503 of this title’ and inserting ‘the application submitted pursuant to section 502 of this title’;

(E) in section 808 (42 U.S.C. 3789), by striking ‘the State office described in section 507 or 1408’ and inserting ‘the State office responsible for the trust fund required by section 507, or the State office described in section 1408.’;

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking ‘for the purposes of section 506(a)’ and inserting ‘for the purposes of section 505(a)’;

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking ‘section 506(a)’ and inserting ‘section 505(a)’;

(ii) in paragraph (2)—

(I) by striking ‘section 503(a)’ and inserting ‘section 502’; and

(II) by striking ‘section 506’ and inserting ‘section 505’;

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking ‘The office designated under section 507 of title I’ and inserting ‘The office responsible for the trust fund required by section 507’;

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking ‘and reflects consideration of the statewide strategy under section 503(a)(1)’; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking ‘The Office designated under section 507’ and inserting ‘The office responsible for the trust fund required by section 507’.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking ‘more than 5 recipients’ and inserting ‘more than 5 individuals, or groups of individuals, as recipients’.

SEC. 203. CONGRESSIONAL MEDAL AND PLAQUE FOR PUBLIC SAFETY OFFICERS WHO RESPONDED TO THE ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001.

(a) PURPOSE.—It is the purpose of this section—

(1) to commemorate the sacrifices made and service rendered to the United States by those public safety officers who responded to the attacks on the United States on September 11, 2001; and

(2) to honor those public safety officers on the third anniversary of those attacks.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress—

(A) to individuals certified by the Attorney General pursuant to subsection (e), a bronze medal 1½ inches in diameter commemorating the service to the United States of those individuals; and

(B) to public agencies certified by the Attorney General pursuant to subsection (e), a plaque commemorating the service to the United States of the officers, employees, or agents of those agencies.

(2) DATE.—The presentation shall be made as close as feasible to the third anniversary of the attacks on the United States on September 11, 2001.

(3) NEXT OF KIN.—In the case of an individual certified by the Attorney General pursuant to subsection (e), the medal may be accepted by the next of kin of any such individual.

(c) DESIGN AND STRIKING.—

(1) CONSULTATION.—The Attorney General shall consult with the Institute of Heraldry of the Department of Defense regarding the design and artistry of the medal and the plaque authorized by this section. The Attorney General may also consider suggestions received by the Department of Justice regarding the design and artistry of the medal and the plaque, including suggestions made by persons not employed by the Department of Justice.

(2) STRIKING.—After such consultation, the Attorney General shall strike such medals and produce such plaques as may be required to carry out this section.

(d) ELIGIBILITY REQUIREMENTS.—

(1) INDIVIDUALS.—

(A) IN GENERAL.—To be eligible to be presented the medal referred to in subsection (b), an individual must have been a public safety officer (as defined in section 5 of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15204))—

(i) who was present in New York, Virginia, or Pennsylvania on September 11, 2001;

(ii) who participated in the response that day to the terrorist attacks on the World Trade Center, the terrorist attack on the Pentagon, or the terrorist attack that resulted in the crash of the fourth airplane in Pennsylvania; and

(iii) who died as a result of such participation.

(B) RULE OF CONSTRUCTION.—An individual who was killed in one of the attacks referred to in subparagraph (A)(ii) shall be deemed, for purposes of that subparagraph, to have participated in the response.

(2) AGENCIES.—To be eligible to be presented the plaque referred to in subsection (b), a public agency must have had at least one officer, employee, or agent who is eligible under paragraph (1) or who would be so eligible but for the requirement of subparagraph (A)(iii) of that paragraph.

(3) APPLICATION; DETERMINATION.—To establish the eligibility required by paragraphs (1) or (2), the head of a public agency must present to the Attorney General an application with such supporting documentation as

the Attorney General may require to support such eligibility and, in the case of the eligibility of an individual, with information on next of kin. The Attorney General shall determine, through the documentation provided and, if necessary, independent investigation, whether the requirements of paragraphs (1) or (2) have been established.

(e) CERTIFICATION.—The Attorney General shall, within 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of individuals eligible to receive the medal and public agencies eligible to receive the plaque.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 204. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking “the Director of the Office of Justice Assistance” and inserting “the Assistant Attorney General for the Office of Justice Programs”.

SEC. 205. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting “regional” before “information sharing systems”;

(2) by amending paragraph (3) to read as follows:

“(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;”;

(3) by striking “(5)” at the end of paragraph (4).

SEC. 206. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: “The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.”;

(2) by amending paragraph (19) of subsection (c) to read as follows:

“(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;”;

(3) in subsection (d)—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following:

“(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering

into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.”.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking “particular individual” and inserting “private person or public agency”.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking “Except as provided by Federal law other than this title, no” and inserting “No”.

SEC. 207. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking “2004” and inserting “2007”.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

“SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

“(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

“(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$58,265,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 and 2006, to remain available until expended.

“SEC. 104. WEED AND SEED STRATEGIES.

“(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

“(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

“(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

“(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

“(B) community revitalization efforts, including enforcement of building codes and development of the economy.

“(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

“(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

“(A) in a voting capacity, representatives of—

“(i) appropriate law enforcement agencies; and

“(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

“(B) in a voting capacity, both—

“(i) the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community; and

“(ii) the United States Attorney for the District encompassing the community;

“(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

“(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

“(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

“(1) the United States Attorney for the District encompassing the community must certify to the Director that—

“(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

“(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

“(C) the steering committee is capable of implementing the strategy appropriately; and

“(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

“(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

“(1) a sustainable Weed and Seed strategy that includes—

“(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

“(B) a significant community-oriented policing component; and

“(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

“(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

“(e) GRANTS.—

“(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

“(2) USES.—For each grant under this subsection, the community receiving that grant—

“(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

“(B) may not use any of the grant amounts for construction, except that the Assistant

Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

“(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

“(A) for a period of more than 10 fiscal years;

“(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

“(C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.

“(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

“(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

“(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

“(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

“(B) The requirement of subparagraph (A)—

“(i) may be satisfied in cash or in kind; and

“(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

“(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.”.

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

Subtitle C—Assisting Victims of Crime

SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after “Director”;

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”;

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

“(C) for nonprofit neighborhood and community-based victim service organizations

and coalitions to improve outreach and services to victims of crime.”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “paragraph (1)(A)” and inserting “paragraphs (1)(A) and (1)(C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”;

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

“(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C).”.

SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: “, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

“(A) attaches conditions inconsistent with applicable laws or regulations; or

“(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.”.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking “expended” and inserting “obligated”.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking “, acting through the Director.”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish victim assistance programs, as appropriate.”.

SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF SPECIFIC PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after “violent crimes against women” the following: “to develop and strengthen victim services in cases involving violent crimes against women”.

(b) TECHNICAL AMENDMENT RELATING TO MISDESIGNATED SECTIONS.—Section 402(2) of Public Law 107-273 (116 Stat. 1789) is amended by striking “as sections 2006 through 2011, respectively” and inserting “as sections 2007 through 2011, respectively”.

(c) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1), as redesignated pursuant to the amendment made by subsection (b), is amended—

(1) in subsection (a), by striking “to States” and all that follows through “tribal governments”;

(2) in subsection (b)—

(A) in each of paragraphs (2) and (3), by striking “1/4” and inserting “1/3”; and

(B) in paragraph (4), by striking “in Indian country”;

(3) in subsection (c)(3)(A), by striking “police” and inserting “law enforcement”; and

(4) in subsection (d)—

(A) in the second sentence, by inserting after “each application” the following: “submitted by a State”; and

(B) in the third sentence, by striking “An application” and inserting “In addition, each application submitted by a State or tribal government”.

(d) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg-3), as redesignated pursuant to the amendment made by subsection (b), is amended by striking “Not later than” and all that follows through “the Attorney General shall submit” and inserting the following: “Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit”.

(e) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2100 of such Act (42 U.S.C. 3796gg-4), as redesignated pursuant to the amendment made by subsection (b), is amended by adding at the end the following new subsections:

“(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”.

(f) TECHNICAL AMENDMENT.—The heading for Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended to read as follows:

“PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN”.

SEC. 225. EXPANSION OF GRANT PROGRAMS ASSISTING ENFORCEMENT OF DOMESTIC VIOLENCE CASES TO ALSO ASSIST ENFORCEMENT OF SEXUAL ASSAULT CASES.

(a) GRANTS TO ENCOURAGE DOMESTIC VIOLENCE ARREST POLICIES.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking “to treat domestic violence as a serious violation” and inserting “to treat domestic violence and sexual assault as serious violations”;

(2) in subsection (b)—

(A) in each of paragraphs (2) and (5), by striking “domestic violence and dating violence” and inserting “domestic violence, sexual assault, and dating violence”;

(B) in paragraph (3), by striking “domestic violence cases” and inserting “domestic violence and sexual assault cases”; and

(C) in paragraph (6), by striking “about domestic violence” and inserting “about domestic violence and sexual assault”; and

(3) in subsection (d), by striking “In this section, the term” and inserting “In this part—

“(1) the term ‘sexual assault’ has the meaning given the term in section 2008; and

“(2) the term”.

(b) APPLICATIONS.—Section 2102(b) of such Act (42 U.S.C. 3796hh-1(b)) is amended in

each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: "or sexual assault".

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.—Section 40295(a) of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971(a)) is amended in each of paragraphs (1) and (2) by striking "domestic violence and dating violence (as defined in section 2003)" and inserting "domestic violence, sexual assault, and dating violence (as such terms are defined in section 2008)".

SEC. 226. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking "The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides" and inserting "Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides".

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking "Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter," and inserting "Not later than one month after the end of each even-numbered fiscal year,".

SEC. 227. CLARIFICATION OF RECIPIENTS AND PROGRAMS ELIGIBLE FOR GRANTS UNDER RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971) is amended as follows:

(1) in subsection (a), in the matter preceding paragraph (1), by striking "to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States" and inserting "to States, Indian tribal governments, local governments, and public or private entities, for programs serving rural areas or rural communities"; and

(2) in subsection (b)—

(A) by inserting "(1) the term" before "'Indian tribe' means";

(B) by striking "Indians." and all that follows through the period at the end and inserting "Indians; and

"(2) the terms 'rural area' and 'rural community' have the meanings given those terms in section 491(k)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(k)(2)).".

Subtitle D—Preventing Crime

SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-2(b)) is amended in the matter preceding paragraph (1) by striking "an offense that" and inserting "a felony-level offense that".

SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u-6) is amended by striking subsection (b).

(b) TECHNICAL ASSISTANCE AND TRAINING.—Such section is further amended by adding at the end the following new subsection:

"(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part."

SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking "offenders with substance abuse problems" and inserting "offenders, and other individuals under the jurisdiction of the court, with substance abuse problems".

SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-3) is amended by adding at the end the following new subsection:

"(d) DEFINITION.—In this section, the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

"(1) directed at the substance abuse problems of the prisoners; and

"(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners."

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of such Act (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking "section 6503(d)" and inserting "sections 3335(b) or 6503(d)"; and

(2) by striking "section 6503" and inserting "sections 3335(b) or 6503".

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking "pursuant to section 501(a)" and inserting "pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108-7), or as carried out pursuant to any subsequent authority) or section 501(a)".

(c) FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.—Section 530C(b) of title 28, United States Code, is amended—

(1) in paragraph (2), in each of subparagraphs (A) and (B), by inserting "for the Bureau of Alcohol, Tobacco, Firearms, and Explosives," before "for the Drug Enforcement Administration,"; and

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

"(8) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may

be used for the conduct of all its authorized activities."

(d) AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after "the Bureau of Justice Statistics," the following: "the Office for Victims of Crime,".

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting ", including placing special conditions on all grants, and determining priority purposes for formula grants" before the period at the end.

SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking "unless such requirement is terminated under" and inserting "for the time period specified in".

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAMS.—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.—Part F (42 U.S.C. 3769-3769d).

(2) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA (42 U.S.C. 3797a-3797e).

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751-13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801-13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking "(a)" before "Whenever,".

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking “, after reasonable notice and opportunity for a hearing.”; and

(B) by striking “, except as otherwise provided herein”.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking “(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))”.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking “program or project” and inserting “program, plan, or project”.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking “which” and inserting “, including faith-based, that”.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking “and” at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(26) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

“(27) the term ‘private person’ means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).”.

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after “The Attorney General” the following: “or the Secretary of Homeland Security, as applicable.”; and

(2) in subsection (b)(1)—

(A) by striking “the Immigration and Naturalization Service” and inserting “the Department of Homeland Security”;

(B) by striking “shall not exceed the lesser of the amount” and inserting “shall be the amount billed, not to exceed the amount”;

(C) by striking “items and services” and all that follows through “the Medicare program” and inserting “items and services under the Medicare program”; and

(D) by striking “; or” and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control

may be delegated only to the Assistant Attorney General, without redelegation.

“(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b).

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

“(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

“(1) The program under part Q of this title.

“(2) Any grant program carried out by the Office of Justice Programs.

“(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

“(c) PERFORMANCE AUDITS REQUIRED.—

“(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

“(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

“(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

“(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

“(B) at the end of each year of the grant period, if the grant period is more than 1 year.

“(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

“(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

“(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by

subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management as authorized by this section.”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

“SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

“(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

“(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

“(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

“(2) Providing information, training, and technical assistance.

“(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

“(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

“(5) Any other similar means.

“(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

“(d) BEST PRACTICES.—The Director shall—

“(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

“(2) incorporate those characteristics into the training provided under this section.

“(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect

90 days after the date of the enactment of this Act.

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

“SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

“(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

“(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

“(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

“(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.”

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

“SEC. 108. AVAILABILITY OF FUNDS.

“(a) PERIOD FOR AWARDING GRANT FUNDS.—

“(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

“(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

“(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

“(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

“(c) DEFINITION.—In this section, the term ‘DOJ grant funds’ means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

“(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2004.”

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The As-

sistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General shall ensure that, on and after September 30, 2007—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 253. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

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

“(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).”;

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking “ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—” and inserting “USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—”;

(B) by redesignating paragraphs (1) through (12) as paragraphs (5) through (16), respectively;

(C) by inserting before paragraph (5) (as so redesignated) the following new paragraphs:

“(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

“(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

“(3) procure equipment, technology, or support systems, or pay overtime, to in-

crease the number of officers deployed in community-oriented policing;

“(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

“(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

“(B) security assessments;

“(C) security training of personnel and students;

“(D) coordination with local law enforcement; and

“(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.”;

(D) by amending paragraph (8) (as so redesignated) to read as follows:

“(8) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.”;

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking “subsection (i)” and inserting “subsection (g)”;

(6) by adding at the end the following new subsection:

“(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

“(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

“(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

“(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.”;

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd-1) is amended in subsection (d)(2) by striking “section 1701(d)” and inserting “section 1701(b)”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking clause (i) and all that follows through the period at the end and inserting the following:

“(i) \$1,007,624,000 for fiscal year 2004;

“(ii) \$1,027,176,000 for fiscal year 2005; and

“(iii) \$1,047,119,000 for fiscal year 2006.”;

(2) in subparagraph (B)—

(A) by striking “section 1701(f)” and insert-

ing “section 1701(d)”;

(B) by striking the third sentence.

SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS’ DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers’ Benefit Act of 2002 (Public Law 107-196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) ‘member of a rescue squad or ambulance crew’ means an officially recognized or designated public employee member of a rescue squad or ambulance crew;”;

(3) in paragraph (4) by striking “and” and all that follows through the end and inserting a semicolon.

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting “with respect” before “to any individual”.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

“(k) In any case in which the Bureau paid, before the date of the enactment of Public Law 107-196, any benefit under this part to an individual who—

“(l) before the enactment of that law was entitled to receive that benefit; and

“(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

“the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.”.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

“(4) if there is no surviving spouse or surviving child—

“(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer’s most recently executed designation of beneficiary on file at the time of death with such officer’s public safety agency, organization, or unit, provided that such individual survived such officer; or

“(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer’s most recently executed life insurance policy, provided that such individual survived such officer; or”.

SEC. 255. RESEARCH-BASED BULLYING PREVENTION PROGRAMS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended by inserting before the semicolon at the end the following: “, which may include research-based bullying prevention programs”.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107-56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking “or” at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking “to be used to be used” and inserting “to be used”.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking “sections” and inserting “section”.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107-56 is amended, effective on the date of the enactment of that section, by striking “title 18” and inserting “title 28”.

(d) CAPITALIZATION CORRECTION.—Subsections (a) and (b) of section 2703 of title 18,

United States Code, are each amended by striking “CONTENTS OF WIRE OR ELECTRONIC” and inserting “CONTENTS OF WIRE OR ELECTRONIC”.

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) PUNCTUATION CORRECTIONS.—The heading for section 1591 of title 18, United States Code, is amended by inserting a comma after “fraud”.

(b) DUPLICATE SECTION NUMBERS.—The second section 540C in chapter 33 of title 28, United States Code, is redesignated as section 540D, and the item relating to that section in the table of sections at the beginning of that chapter is redesignated accordingly and transferred so as to be placed after the item relating to section 540C.

(c) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

“3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.”.

(d) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1922), is repealed.

SEC. 303. MINOR SUBSTANTIVE AMENDMENT RELATING TO CONTENTS OF FBI ANNUAL REPORT.

Section 540D(b)(1)(A) of title 28, United States Code, as redesignated by section 302(b), is further amended by inserting “and the number of such personnel who receive danger pay under section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (5 U.S.C. 5928 note)” after “year”.

SEC. 304. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 305. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 306. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program’s efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor’s failure to disclose all assets.

SEC. 307. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 308. TECHNICAL CORRECTION RELATING TO DEFINITION USED IN “TERRORISM TRANSCENDING NATIONAL BOUNDARIES” STATUTE.

Section 1958 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “facility in” and inserting “facility of”; and

(2) in subsection (b)(2), by inserting “or foreign” after “interstate”.

SEC. 309. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting “or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,” after “in a Federal prison,”:

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking “one year” and inserting “five years”.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking “six months” and inserting “two years” in each of subsections (a)(4) and (b).

SEC. 310. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(a) of title 18, United States Code, is amended in each of paragraphs (1) and (2) by inserting “or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General” after “an inmate of a prison”.

SEC. 311. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: “In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.”.

SEC. 312. RECOGNIZING THE 40TH ANNIVERSARY OF THE FOUNDING OF THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW AND SUPPORTING THE DESIGNATION OF AN EQUAL JUSTICE DAY.

(a) FINDINGS.—Congress finds that—

(1) on June 21, 1963, President John F. Kennedy and Attorney General Robert F. Kennedy convened 244 members of the National, State, and local private bar to provide legal representation to remedy racial discrimination against minority communities;

(2) without President Kennedy's vision for racial justice, the bar would have remained silent in the face of vocal resistance by Southern State legislatures against desegregation;

(3) for more than 4 decades, the Lawyers' Committee for Civil Rights Under Law (hereinafter in this section referred to as “Lawyers' Committee”) has worked to advance the civil rights of African-Americans and other racial and ethnic minority communities in the areas of environmental protection, employment, affirmative action, fair housing, education, and voting;

(4) the Lawyers' Committee operated an office in Jackson, Mississippi, from 1964 through 1984, which filed numerous cases that transformed the State, including the defense of civil rights demonstrators, desegregation of many public institutions and workforces, reformation of the notorious Parchman Prison, and numerous voting rights cases resulting in a revolution in the number of African-American elected officials in State positions and Congress;

(5) the Lawyers' Committee fought for passage of the Civil Rights Act of 1964, Voting Rights Act of 1965 and the 1982 Amendments, Fair Housing Act of 1988, Civil Rights Act of

1991, and National Voter Registration Act of 1993;

(6) the Lawyers' Committee secured a landmark, unanimous United States Supreme Court decision that strengthened first amendment protections for peaceful political boycotts in *Claiborne Hardware Co. v. NAACP*;

(7) the Lawyers' Committee created a police community relations program in 1965 that recruited African-Americans for law enforcement positions and eased tensions between law enforcement officers and African-American communities;

(8) the Lawyers' Committee defended the students of Jackson State University following police shootings upon a peaceful demonstration that killed 2 persons and wounded a dozen others;

(9) the Lawyers' Committee operated its Cairo, Illinois office from 1969 through 1972 in response to intense racial unrest and police brutality in the city;

(10) the Lawyers' Committee recruited attorneys from the local bar to represent African-Americans who could not obtain legal counsel during the 1960s;

(11) the Lawyers' Committee transformed African-American voting strength by litigating critical cases throughout the South to oppose archaic voter discrimination laws, poll taxes, and literacy tests that prevented African-Americans from registering and voting;

(12) the Lawyers' Committee launched the Urban Areas Project in 1968, which resulted in local independent Lawyers' Committee offices in Philadelphia, Los Angeles, Boston, Chicago, San Francisco, Denver, San Antonio, and Washington, D.C.;

(13) the Lawyers' Committee developed the Southern African Project, which provided legal assistance to thousands of political detainees and technical assistance in resisting pro-apartheid legislation for more than 20 years and which monitored elections in Namibia in 1989 and elections in South Africa in 1994;

(14) the Lawyers' Committee led the defense of Executive Order 11246 when it was attacked during the Reagan Administration in the 1980s;

(15) the Lawyers' Committee litigated a series of cases from the 1970s to the present that desegregated police and fire departments throughout the Nation, notably in the State of Mississippi and in Miami, Birmingham, Cleveland, Nassau County, Buffalo, and Houston;

(16) in *Givens v. Hamlet Estates*, the Lawyers' Committee acquired the first seizure order in a fair housing case that led to the exposure of a decade old racial coding system that denied apartments to 6,000 African-Americans and Hispanics in Miami, Florida;

(17) the Lawyers' Committee obtained victories in 3 cases before the United States Supreme Court in 1996-1997 involving the Voting Rights Act, including *Young v. Fordice*, *Lawyer v. United States*, and *King v. State Board of Elections*;

(18) the Lawyers' Committee persuaded the Environmental Protection Agency to relocate 358 African-American families living around the Escambia toxic Superfund site in Pensacola, Florida;

(19) the Lawyers' Committee coordinated a Church Burning Project in the 1990s to provide free legal assistance to churches that were destroyed during a bitter rampage of racially motivated church burnings;

(20) in *Washington Park Land Committee v. Portsmouth*, the Lawyers' Committee secured a case settlement that led to the relocation of 185 families from toxic lead poisoned segregated public housing in Portsmouth, Virginia, to new integrated housing opportunities; and

(21) June 21, 2003 is the 40th anniversary of the founding of the Lawyers' Committee.

(b) RECOGNITION.—Pursuant to the findings in subsection (a), Congress—

(1) recognizes that these accomplishments of the Lawyers' Committee reflect the tremendous commitment to implementing justice that President Kennedy embarked on 40 years ago;

(2) recognizes the achievements of the Lawyers' Committee, as its staff and pro bono attorneys, clients, and friends commemorate and celebrate its 40th anniversary; and

(3) supports the designation of an appropriate day as “Equal Justice Day” in honor of the dedicated work of the Lawyers' Committee and the many hours of pro bono service offered by lawyers and law firms throughout this country to secure justice and equal opportunity for all.

TITLE IV—KOBY MANDELL ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “Koby Mandell Act of 2003”.

SEC. 402. FINDINGS.

The Congress finds the following:

(1) Numerous American citizens have been murdered or maimed by terrorists around the world.

(2) Some American citizens who have been victims of terrorism overseas have not received from the United States Government services equal to those received by other such victims of overseas terrorism.

(3) The United States Government has not devoted adequate efforts or resources to the apprehension of terrorists who have harmed American citizens overseas. Monetary rewards for information leading to the capture of terrorists overseas, which the government advertises in regions where the terrorists are believed to be hiding, have not been advertised adequately.

(4) To remedy these and related problems, an office should be established within the Department of Justice for the purpose of ensuring equally vigorous efforts to capture all terrorists who have harmed American citizens overseas and equal treatment for all American victims of overseas terrorism.

SEC. 403. ESTABLISHMENT OF AN OFFICE IN THE DEPARTMENT OF JUSTICE TO UNDERTAKE SPECIFIC STEPS TO FACILITATE THE CAPTURE OF TERRORISTS WHO HAVE HARMED AMERICAN CITIZENS OVERSEAS AND TO ENSURE THAT ALL AMERICAN VICTIMS OF OVERSEAS TERRORISM ARE TREATED EQUALLY.

The President shall establish within the Department of Justice an office (hereinafter in this title the “Office”) to carry out the following activities:

(1) The Office shall create the Bringing Terrorists to Justice program, and in so doing will ensure that—

(A) rewards are offered to capture all terrorists involved in harming American citizens overseas, regardless of the terrorists' country of origin or residence;

(B) such rewards are prominently advertised in the mass media and public sites in all countries or regions where such terrorists reside;

(C) the names and photographs and suspects in all such cases are included on a web site; and

(D) the names of the specific organizations claiming responsibility for terrorist attacks mentioned on the site are included in the descriptions of those attacks.

(2) The Office shall establish and administer a program which will provide notification for American victims of overseas terrorism or their immediate family to update them on the status of efforts to capture the terrorists who harmed them.

(3) The Office shall work with the other United States government agencies to expand legal restrictions on the ability of murderers to reap profits from books or movies concerning their crimes—the “Son of Sam” laws that currently exist in many States, so as to ensure that terrorists who harm American citizens overseas are unable to profit from book or movie sales in the United States.

(4) The Office shall endeavor to determine if terrorists who have harmed American citizens overseas are serving in their local police or security forces. Whenever it is found that terrorists who have harmed American citizens overseas are serving in their local police or security forces, the Office shall alert those United States Government agencies involved in providing assistance, directly or indirectly, to those forces, and shall request of those agencies that all such assistance be halted until the aforementioned terrorists are removed from their positions.

(5) The Office shall undertake a comprehensive assessment of the pattern of United States indictments and prosecution of terrorists who have harmed American citizens overseas, in order to determine the reasons for the absence of indictments of terrorists residing in some regions. The Office's assessment shall then be provided to the Attorney General, together with its recommendations.

(6) The Office shall endeavor to monitor public actions by governments and regimes overseas pertaining to terrorists who have harmed American citizens, such as naming of schools, streets, or other public institutions or sites after such terrorists. In such instances, the Office shall encourage other United States Government agencies to halt their provision of assistance, directly or indirectly, to those institutions.

(7) In cases where terrorists who have harmed Americans overseas, and are subsequently released from incarceration abroad, are eligible for further prosecution in the United States, the Office shall coordinate with other government agencies to seek the transfer of those terrorists to the United States for further prosecution.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2004 and subsequent fiscal years such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

TITLE V—MATTERS RELATING TO INTELLIGENCE AND COUNTERINTELLIGENCE

SEC. 501. FBI OFFICE OF COUNTERINTELLIGENCE.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by inserting after section 535 the following new section:

“§ 535A. Office of Counterintelligence

“Subject to the supervision of the Attorney General, the Director of the Federal Bureau of Investigation may establish an Office of Counterintelligence within the Bureau to investigate potential espionage activities within the Bureau.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 535 the following new item:

“535A. Office of Counterintelligence.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. WEINER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3036 currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 3036, the Department of Justice Appropriations Authorization Act for Fiscal Years 2004 through 2006.

During the 107th Congress, I was pleased to secure bipartisan passage of the 21st century Department of Justice Authorization Appropriations Act, which comprehensively reauthorized the Department of Justice for the first time since 1979. During consideration of that legislation, I committed to pursuing a regular authorization process to ensure that the Committee on the Judiciary provides the Department of Justice with clear guidance and continuing oversight.

With an annual budget of around \$20 billion and a workforce of more than 100,000 employees, the Department of Justice is an enormous institution. Its importance has only increased since the tragic events of September 11, 2001.

As chairman of the Committee on the Judiciary, I have worked to provide the Department with the necessary resources to assess, prevent, and punish terrorist acts that threaten America's domestic security while preserving our civil liberties. The committee has also worked to ensure that the Department's structure, management, and priorities are tailored to best fulfill its numerous other missions.

Over the last several months, the committee has conducted several hearings to identify the needs and priorities of the department. These hearings reflected the committee's continuing commitment to oversee all of the Department's activities. This bill reflects the information obtained in those hearings.

H.R. 3036 is divided into five titles. The first title authorizes the Department of Justice appropriations for fiscal years 2004 through 2006. With minor exceptions, these authorizations generally reflect the President's budget request.

Title II makes numerous improvement and upgrades to the Department's grant program. Most importantly, it combines the current Byrne formula grant, Byrne discretionary grant, and Local Law Enforcement Block Grant programs into one Byrne Memorial Justice Assistance Grant Program with an authorization similar to the amount appropriated for all three programs in recent years and a formula that closely follows current law. The administration has requested

this consolidation as a way of better serving State and local governments.

It reauthorizes the COPS program while recasting it as one single block grant program covering all of its current purposes so local governments will need only to file one COPS application for any of these purposes. I believe that this will greatly improve the efficiency of the COPS program.

Among other changes, title II provides for new auditing and training capacity for all DOJ grant programs to eliminate waste, fraud, and abuse. It provides the first statutory authorization for the Weed and Seed Program. It establishes a congressional medal and plaque for individuals in units that responded to the 9/11 attacks. And, finally, this reauthorizes the bulletproof vest program.

Title III makes a variety of miscellaneous changes to other aspects of the Department of Justice. It requires DOJ to use existing Federal facilities for training and conferences as opposed to paying for private facilities. It also establishes a dedicated privacy officer at the Department to ensure that the Department utilizes technologies that do not erode privacy protection relating to the use, collection and disclosure of personally identifiable information.

Modeled after the privacy officer this committee established in the Department of Homeland Security, this provision advances the committee's uncompromising commitment to the preservation of civil liberties at the Department.

Title IV establishes a new office within DOJ designed to assist in the capture of terrorists who harm Americans overseas.

Title V provides a statutory authorization to the already existing FBI Office of Counterintelligence.

I introduce this legislation with the support of the gentleman from Michigan (Mr. CONYERS), and I have worked closely with him on it in every step of the way. Bipartisan cooperation was the hallmark of this legislation in the last Congress, and I am pleased that this spirit of bipartisanship continued in this Congress. We have also worked closely with the appropriators to meet their concerns.

H.R. 3036 provides the Department with the tools, resources and direction necessary to operate efficiently and effectively. By identifying solutions to the growing challenges faced by Federal law enforcement, this committee and Congress will be the strong partner the Department needs as we work for the safety and security of all Americans.

I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, first I would like to extend my thanks and gratitude to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for making this part of the hallmark of the

Committee on the Judiciary that we are going to start to continue to have reauthorization bills on the floor for DOJ. I think that is an important thing. For too long it has gone without.

This is a large, important bill and an important part of our government. Now the next step is to have it under regular orders, to have the bill open for amendments, to have the people have the opportunity to offer suggestions. They are a diverse element of this bill. I think it would serve this body well to have an active debate about some of the elements therein and be able to go through the regular process of amendments to perfect the bill even further.

This bill has some very excellent provisions, not the least of which, as the chairman mentioned, is the reauthorization for the first time in a while of the COPS program. The COPS program is by just about every measure a success. It is one of those programs that is extraordinarily democratic, with a small D. Small towns, big cities have all benefited from the police hirings that have gone on.

This is something that transcends politics. It transcends regions. While we can have a debate, and we often do, where criminologists suggest why crime might be going down nationwide, we have academics that have taken a look at it, at the end of the day I believe it is because we in the Federal Government got off the sidelines with the COPS program and started to provide funding for States and localities to provide law enforcement officials.

Now we have a situation where there are over 110,000 cops presently funded to walk the beat all over the country with funding provided by this Congress. This bill would reauthorize it and improve it.

It is not an accident that this has broad bipartisan support. A coalition of Members just recently wrote to the Appropriations Committee urging that the COPS components be fully funded. It includes the gentleman from Michigan (Mr. STUPAK), the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Pennsylvania (Mr. PLATTS), the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Florida (Mr. KELLER), the gentleman from New York (Mr. QUINN), and myself.

It should be pointed out, though, that the President for the second year in a row included zero dollars and zero cents in his budget for the hiring components of the COPS program.

We have heard over and over again the Attorney General and the Deputy of Homeland Security Secretary say homeland security starts in our home towns. We go periodically to higher levels of alert where we tell our local law enforcement officials, our local first responders, you have got to absorb more responsibility. Yet, at the same time, we in the Federal Government have been reluctant to provide that

funding. This authorization bill changes that with a program that would provide over the course of the bill \$3 billion worth of funding.

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Another provision that is included in this bill that is long overdue is getting our Department of Justice off the sidelines in another issue, and that is, that increasingly, by dint of terrorism overseas, U.S. citizens are dying. And simply put, the enforcement, the indictment, the investigation of those crimes is not happening.

We have seen 36 Americans murdered by Palestinian terrorists alone since the Oslo Accords have been signed; yet there have been zero indictments. There have been no real rewards. Suspects' names and faces have not been listed by the Justice Department. The Koby Mandell Act, which was authored by the gentleman from New Jersey (Mr. ANDREWS) and included in this bill, changes that; but there are things that are not included in this bill that if it would have been open rule, we would have had an opportunity to include

In 2000, we in this Congress recognized that we had a real problem after a GAO study showed that increasingly very realistic-looking badges were falling into the hands of those that should not have them. This is before September 11. A person can today go on to the Internet and search for collectible badges, and they can find realistic ones that are so realistic that they can pass for NYPD badges, Customs Department, FBI and all kinds of others. The reason is, although it is illegal to possess a badge like that, there are some very big loopholes that you can drive a truck through.

For example, if you are a collector and you certify that you are, you can purchase one of these badges. If you are someone that is using it for a movie or an entertainment purpose, you can get one of these badges. There is even an exemption in the law, a loophole in the law, if you want to use the badge for recreational purposes. Now I do not know how sophisticated a game of cops and robbers someone is interested in playing, but this is a very serious issue in the context of so many check points that we have now, so many security lines that people have to cross. These badges have caused a problem.

Over 1,200 times in New York City alone, someone has used a fake badge for illicit purposes. This is a very easy loophole to close. I would have liked the provision to have been included in the bill. It would have been a nice thing to offer, and I believe it would have had the support of this House.

If you are a collector, you can still get a badge. It has to be encased in Lucite, very simple. If you are someone who is in a movie or a film production, you have to go to the law enforcement authority wherever you are shooting and get them to sign off that you are using this badge for that purpose, and there absolutely should not be an ex-

emption for "recreational purposes." These badges are being used in some cases by true collectors; but in many cases, they are being used for illegal and illicit purposes.

Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. VISCLOSKEY).

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

Madam Speaker, I rise today in strong support of the Department of Justice Reauthorization Act, which includes the text of H.R. 1708, the Bulletproof Vest Partnership Grant program.

I would begin my remarks by thanking my dear colleague, the gentleman from New Jersey (Mr. LOBIONDO), the sponsor of H.R. 1708. I have given him my heartfelt gratitude for his leadership on this issue.

I also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from South Carolina (Chairman COBLE), the gentleman from Michigan (Mr. CONYERS), the ranking members, as well as the gentleman from Virginia (Mr. SCOTT), for all of their support and cooperation in this endeavor.

Madam Speaker, I first authored and introduced the Bulletproof Vest Partnership Grant Act with the gentleman from New Jersey (Mr. LOBIONDO) in 1997 after meeting with northwest Indiana police officers and hearing that many gang members and drug dealers had the bulletproof vests while many police officers did not. I was even more troubled to learn that the reasons so many officers did not have access to bulletproof vests was because of their prohibitive expense.

As my colleagues know, the purpose of the Bulletproof Vest Partnership Grant program is to protect the lives of law enforcement officers by helping States and local governments equip them with vests. Many departments simply cannot afford to purchase vests for all of their officers, a fact which sometimes forces officers to purchase their own.

Unfortunately, between 1992 and the year 2001, 594 police officers were shot and killed in the line of duty. Of those slain, roughly half were not wearing bulletproof vests because their departments could not afford them.

This act, among other things, recognizes that the lack of protective body armor is even more evident not only in large cities, but in small rural departments. Statistics show that officers in smaller departments are much less likely to have vests than their counterparts in large metropolitan departments. That is why, in order to make sure that no community is left out, half of the funds in the vest partnership act are reserved for jurisdictions with fewer than 100,000 residents.

In closing, the police officers who risk their lives for all of us are mothers and fathers. They are sons and daughters. It is our obligation to the officers and their families to give them access

to the equipment that will safeguard them; and, again, I appreciate the gentleman from New Jersey's (Mr. LOBIONDO) leadership and the chairman's leadership on this issue and ask for support of the legislation.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Madam Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) very much for his leadership on this, and I thank the gentleman from Indiana (Mr. VISCLOSKY) for his partnership.

We joined in 1997 after similar incidents in our districts, totally separated, joined us together on this particular issue. I urge my colleagues to support this. It is something that will make a difference in real terms in people's lives.

The legislation reauthorizes the grant program until 2007. The current authorization is set to expire this year.

Congress has overwhelmingly approved the program twice before, first in the 105th and then in the 106th. In the 105th Congress, at that point in time, I had two groups within my district, Vest-A-Cop and Shield of Blue, that were raising money to provide vests for police officers basically by sub sales and bake sales and raising a dollar at a time. We recognized through a very tragic incident where a corrections officer at Bayside State Prison, Officer Fred Baker, while on duty was stabbed in the back by an inmate. He did not have a protective vest. We can only speculate if Officer Baker would be alive today, but many of us believe that he would be.

After that incident, the gentleman from Indiana (Mr. VISCLOSKY) and I got together, drafted the legislation and went to work on it; and we are very pleased that our colleagues were able to support it.

This Bulletproof Vest Partnership Act program has directly benefited every U.S. State and territory. A bulletproof vest is one of the most important pieces of equipment an officer can have. Many times, it can mean the difference between life and death.

Every day, law enforcement officers are confronted by violent criminals armed with deadly weapons. While many officers wear vests to protect themselves, an alarming number of officers across the United States are not afforded the same protection because of budget constraints.

The Bulletproof Vest Partnership Act Grant program has helped State and local law enforcement purchase these vests and in response has saved countless thousands of lives. In 2002 alone, the Bulletproof Vest Partnership Grant Act has provided \$25 million to State law enforcement agencies across America. This program has provided more than 700,000 of these life-saving vests since its inception in the beginning of the program; and in turn, in this last year, the program has helped fund

more than 188,000 new vests, giving vital protection to thousands of law enforcement officers nationwide.

I again thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support and the gentleman from Indiana (Mr. VISCLOSKY), and I urge my colleagues to support the legislation.

Mr. WEINER. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from New York for yielding me the time.

I rise only to speak to the COPS program that over the years we have seen, not only has it been enthusiastically received by the Members of Congress, but it has been received enthusiastically where it counts, in the local municipalities, counties, cities and rural areas where, had it not been for the COPS program implemented under the Clinton administration, many of these individuals would be without the necessary security and law enforcement that they need.

In the backdrop of 9/11, many of us view the COPS program as a rainy-day umbrella, if you will, of local communities in providing them with the resources that they could not pay for themselves.

Particularly, in large cities, even cities like Houston, we are finding that increasingly large numbers of our police officers are reaching retirement age, and we are not able to fill those spots as quickly as we would like. Particularly after 9/11, and even in the last couple of weeks and days, we have noted a high number of reported terrorist activity, some that has been intercepted, which of course, as a member of the Select Committee on Homeland Security, I am gratified for; but we are seeing a large amount of those activities occurring around the world.

Certainly the United States is equally vulnerable; and I believe in this time it is important that we promote a program that has proven to be successful, and that is, the utilization of Federal dollars to supplement the hiring of those in local communities that are part of law enforcement.

The other issue that comes up repeatedly now in these recent days after 9/11 is a large amount of dollars that local law enforcement are spending when the alerts go up and the delay in the reimbursement money sometimes promised by the Federal Government. It would certainly be helpful if they already had the necessary police officers already staffed, as opposed to using excessive overtime.

So I just ask my colleagues that as we proceed with this legislation that we look to promote that language to provide for more support of the COPS program.

I do want to note, however, the importance of language dealing with the assistance of victims of crime, particular grants to local nonprofit organizations to improve outreach to services to victims of crime.

In my own community right now, there is a terrible trial proceeding with the allegations of a mother that bludgeoned to death two of her children and wounded an infant child of hers on the basis of allegations and defense that she is making, but the point is that family is in disarray, and they are victims of crime; and they will need the outreach services, particularly now for the injured child, remaining child that is alive and the father and family members that are suffering from this terrible, terrible crime that has occurred. Victims are lonely, isolated; and this particular provision in order to outreach to those victims is very, very important.

I would ask my colleagues to consider these matters and ask that we work on these points as we move through the legislation.

Madam Speaker, I rise in support of this legislation, H.R. 3036, to Authorize Appropriations for the Department of Justice for Fiscal Year 2004–2006. I contributed in marking this bill up in Full Judiciary Committee in September of last year.

I firmly believe that the Department of Justice should receive the full support of Congress and should be properly funded to provide essential protection for the American people. The missions of the various branches of the Department of Justice are even more important since September 11, 2001. This important Federal agency must have our full support to adequately carry out its mission.

My staunch support of the Department of Justice and all agencies that also carry out duties essential to our homeland security and public safety does not imply that I believe these agencies should not adhere to strict standards and be asked to live up to lofty goals that should be standard for our nation. The Law Enforcement and Criminal Justice Agencies, Bureau of Justice Statistics, the Office of Justice Programs, and the Criminal Division must comport themselves with expert efficiency.

The Office of Justice Programs, OJP, is responsible for a variety of criminal justice programs including several that are of particular interest to me: juvenile justice, violence against women and crime prevention related to homeland security. OJP assumes the important responsibility of preventing and controlling crimes. I am a firm believer in eliminating crime before it starts. I applaud OJP's efforts to cooperate with many Federal agencies to rebuild neighborhoods, control gang activity, and prevent drug trafficking.

With these objectives are commendable there is a need to get results. There is still high incidence of drug trafficking, gang membership, juvenile crime, and violent crime. For example, according to the Bureau of Justice statistics in my home State of Texas in 2000, there were 122,155 violent crimes. Of which, 77,306 were aggravated assaults, 35,348 were robberies, and 8,169 were forcible rapes. These numbers need to decline. I look forward to hearing the testimony from the Office of Justice Programs to hear we can reduce these high crime rates.

Finally, the Criminal Division of the Department of Justice is also a multi-faceted criminal justice organization with a homeland security segment. Within the many organizations of the

criminal division is a counterterrorism and domestic security section. The Criminal Division also handles cases related to child obscenity and international crime.

The many criminal areas investigated by the Department of Justice Criminal Division and the other agencies we are hearing testimony from today are prime possibilities for discrimination and violations of civil liberties. For example, within each of these organizations there are disparities in minority hiring.

In the U.S. Marshal, for instance, 35 of the current 94 Marshals are women or minorities, and there are currently lawsuits pending against the Marshals regarding discrimination, although women and minorities do comprise a substantial portion of the leadership committees within the Marshals. There also needs to be a greater effort in racial sensitivity training.

We also need to do more to hire more minorities and women in the Department of Justice. For example, a recent OPM study found that while African-Americans generally exceeded their relevant civilian labor force representation in 16 Federal executive departments, less than 16 percent of those employed by the DOJ were African-American. And while the DOJ consisted of 37.7 percent women, that number was over 9 percent unrepresentative of what it should have been based on hiring practices of women in the civilian work force.

As we consider authorizing these various agencies, we must ensure they are not guilty of violating civil liberties in the course of their duties. Racial profiling is one example of an unacceptable criminal investigation technique. Racial profiling is a very serious problem in our criminal justice system. Although African-Americans make up only 14 percent of the population nationwide, they account for 72 percent of all routine traffic stops.

An ACLU analysis of Maryland State Police data showed that 73 percent of cars stopped and searched on Interstate 95 between Baltimore and Delaware from January 1995 through September 1997 were those of African-Americans, despite the fact that only 14 percent of those driving along that stretch were Black. Moreover, police found nothing in 70 percent of those searches. Similarly, in Florida, 70 percent of the persons stopped on I-95 were African-American, even though they made up less than 10 percent of the driving population. Data also shows that Hispanics are similarly targeted disproportionately by law enforcement agencies across the Nation.

For the reasons above-stated, I support this bill, Madam Speaker.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security.

Mr. COX. Madam Speaker, I rise in strong support of the Department of Justice authorization bill, and I commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for their leadership and their bipartisan cooperation on this vital function of our national government.

Madam Speaker, I also rise for the purpose of engaging in a colloquy with my good friend, the chairman of the Committee on the Judiciary.

The Department of Justice bill contains a provision which limits the Federal Bureau of Investigation's participation in the Terrorism Threat Integration Center as follows: the provision states that funding will be provided "as may be necessary to assign employees to the Terrorism Threat Integration Center: provided, that such amounts may only be expended for analyzing intelligence information."

I understand the intent of this language is to ensure that TTIC does not become a domestic surveillance or collection agency. However, I want to be clear that there was no intention to create barriers to information sharing between the FBI and TTIC and between and among other partners in TTIC, such as the Department of Homeland Security.

Since September 11, Congress and the gentleman from Wisconsin (Chairman SENSENBRENNER) have worked tirelessly to tear down these information-sharing barriers. I want to be sure that this provision will in no way interfere with TTIC's right to receive information from the FBI or its responsibility to provide information to the FBI and the Department of Homeland Security. TTIC's partnership with DHS is critical to the Department's mission to prevent terrorist attacks.

In addition, it may be appropriate for the FBI to assign employees to TTIC to assist in the administration and management of TTIC, and I understand that it is not the chairman's intent through this language to limit such FBI's participation and assistance. Is my understanding of this provision accurate?

Mr. SENSENBRENNER. Madam Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The answer to the gentleman's question is yes.

Mr. COX. Madam Speaker, I thank the chairman.

Mr. WEINER. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I thank my friend from New York for yielding me the time.

I would like to express my appreciation to the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Ranking Member CONYERS), and especially the gentleman from New York (Mr. WEINER) for the outstanding efforts in including in this worthy piece of legislation a provision that has been called the Koby Mandell Act.

Koby Mandell was a 13-year-old boy in May of 2001 who until he was in fourth grade had lived in the United States in Maryland and his family moved to Israel. In May of 2001, Kolbe and a friend of his went hiking, and they were never to return.

During their youthful enjoyment of a hiking outing, Kolbe and his friend were stoned to death by Palestinian terrorists. Now, when an American citizen leaves this country for purposes of living somewhere else, he or she certainly should not leave behind the protection of justice.

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Unfortunately for Koby Mandell and his family, the concept that passes for justice in the occupied territories did not protect him. Because since the time of his murder, there has been no meaningful investigation or prosecution to bring to justice those who committed this murder. When our citizens travel around the world and are not protected by the law of other places, it is our responsibility to step forward and protect them. That is what this language does.

I especially want to thank the gentleman from New York (Mr. WEINER), without whose active participation this would not have happened. He used his considerable legislative skills to shepherd through the committee, with the cooperation of the chairman and ranking member, this language.

Here is what it means. The Department of Justice will set up an office that will offer and enforce rewards for those who murder Americans when they are on foreign soil, irrespective of where they are on foreign soil. This office will monitor the outcome of any prosecution or incarceration of a person who has murdered an American citizen. If such a person is released from a prison in another land or is not properly dealt with in another land, this office will have responsibility to extradite and bring to trial in this country a person who has committed a crime against an American citizen, to the extent that our laws would permit such a prosecution.

This office will be, further, responsible for making sure that if any official authorities that may have been complicit in the murder of the American are still in place, that is to say, if people who are security agents or police officers responsible for the murder of an American citizen are still in place, that appropriate diplomatic and economic actions would be taken against the government that sponsors those authorities. Sadly, in many parts of the world, those who wear the cloak of authority are responsible for criminal acts, murderous acts against Americans and other innocent people.

This provision will by no means stop the murder of innocent Americans when they travel abroad, but it will provide us with a new and meaningful tool that will bring to justice those who would commit such heinous acts against innocent people. It is sad that a 13-year-old boy had to give his life, but it is inspiring that his sacrifice of his life has led this institution to consider this very worthy provision.

Again, I am very grateful to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), to the

ranking member, the gentleman from Michigan (Mr. CONYERS), and especially to the gentleman from New York (Mr. WEINER) for their skill in including this measure in the underlying legislation. I hope that we will continue to work together as Republicans and Democrats to see that this newly created office will be properly funded so that it may do the job I just talked about.

No American should be without the protection of justice, irrespective of where he or she travels in the world. I believe this is an important provision to help ensure that promise. Once again, I thank the leaders for including it in the bill.

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

I wanted to conclude the way I began, by offering my thanks to Chairman SENSENBRENNER. He has made this Committee on the Judiciary one that functions in a no-nonsense fashion. We legislate. We very often disagree on issues, but they are all heard. And I think he has also done an excellent job in protecting the prerogatives of the committee, making sure that important things like the funding of the Judiciary, of the Justice Department, is not left entirely to the appropriators and that we have an opportunity to craft a bill.

I would now encourage our colleagues in the other body to get going. They have many of these provisions they are also looking at. I understand they are going to take up this bill. I would urge them to do so quickly. And I think that we should, as the chairman said, get in the habit of treating this agency like others. There are sticky issues, but I think we have shown in the Committee on the Judiciary that we can navigate them.

I do want to make reference to one point, because many of my colleagues have mentioned it in passing. There is a great deal of controversy, I think much of it overblown, about the PATRIOT Act. I think supporters of the PATRIOT Act have wildly overstated its impact, and detractors have wildly overstated the impositions put on Americans. But I think the chairman deserves credit for fully funding the Inspector General's Office, with particular attention being paid to making sure that PATRIOT Act investigations are being done in an aboveboard way that does not violate the rights of Americans and that as we review the PATRIOT Act as it prepares to sunset that we have a full arsenal of information at our disposal.

I wanted to also offer my thanks to some members of the staff here at the on the Democratic side of the Committee on the Judiciary, Sampak Garg, Perry Apelbaum, Ted Kalo, Bobby Vas-sar, Greg Barnes, and Marc Dunkelman of my staff. In particular, I would like to offer my gratitude to Lamar Robertson, who has been my counsel on the Committee on the Judiciary for years now and has done so with remarkable

aplomb, remarkable intellect, with a great sense of humor. He will be missed by those of us with whom he serves in the House, and this part in particular that deals with the COPS program is a testament to his hard work.

With that, I offer my thanks to the chairman, and I urge a "yes" vote.

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

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

Madam speaker, I, too, would like to thank the staff that worked very hard to negotiate this bill to get the overwhelming bipartisan support that it receives.

Let me say that this is a work in progress, as was the DOJ reauthorization bill that the Congress passed and the President signed last Congress, which was the first Department of Justice reauthorization that had been done since 1979.

The gentleman from New York has a legitimate concern about the sale of fake law enforcement badges. Let me say that we had hoped to include some language relative to that issue in this bill, but the devil was in the details and we could not agree upon the details before the bill came to the floor.

That does not put the issue to bed forever. When we deal with this issue in conference, I am hopeful that we will be able to get some language inserted into the final bill that goes down to the White House that deals with fake badges, because this is a very legitimate issue and there ought to be additional penalties for those who use fake badges over and above the penalties for impersonating a police officer.

So I am hopeful that the other body will deal with this issue promptly.

It does make some very beneficial improvements to how the Department of Justice deals with its grant programs, particularly with relationship to law enforcement. It does reauthorize the bulletproof vest program. And the material that has been inserted in the bill that the gentleman from New Jersey (Mr. ANDREWS) talked about, about an extraterritorial application when crimes are committed against a United States citizen and the law enforcement of the host country will not deal with that issue, I think are vitally important.

So this bill is a tremendous step in the right direction. It is a good bill. It will be made better as we continue working on it, and I am hopeful that before this Congress adjourns that it will be signed into law. I urge a "yes" vote.

Mr. VISCLOSKEY. Madam Speaker. I rise today in strong support of H.R. 3036, the Department of Justice Reauthorization Act, which includes the text of my legislation, H.R. 1708, the reauthorization of the successful Bulletproof Vest Partnership Grant Program.

At the outset of my remarks, I would like to thank Chairman SENSENBRENNER and Chair-

man COBLE as well as Ranking Member of the full Committee Mr. CONYERS and the Ranking Member of the Crime Subcommittee Mr. SCOTT for their past support and efforts on behalf of this important legislation. I would also be remiss if I did not express my heartfelt gratification and thanks to the gentleman from New Jersey, Mr. LOBIONDO, the lead cosponsor of H.R. 1708.

Madam Speaker, I am very excited to be on the floor of the House once again to reauthorize the Bulletproof Vest Partnership Grant Act for a second time. As you know, the original measure was approved by this body with an overwhelming majority in the 105th Congress. Due to the success of the program, it was reauthorized for an additional 3 years in the 106th Congress. Section 207 of today's measure will reauthorize this program, once again, through fiscal year 2007.

If could take a step back Mr. Speaker, I first authored and introduced the Bulletproof Vest Partnership Grant Act in November 1997 after meeting with Northwest Indiana police chiefs and hearing that many gang members and drug dealers had the protection of bulletproof vests, while many police officers did not. I was even more troubled to learn the reason why so many officers do not have access to bulletproof vests. During a visit I made to the local chapter of the Fraternal Order of Police in Dyer, Indiana, officers explained to me that bulletproof vests are prohibitively expensive. A good vest can cost upwards of \$500. Many small departments, as well as some larger ones, simply cannot afford to purchase vests for all of their officers, a fact which sometimes forces officers to purchase their own. My original legislation quickly gained overwhelming bipartisan support in this body, due to the fact that similar problems were being experienced by local police departments all across the United States and President Clinton signed the legislation into law in June of 1998 as P.L. 105-181.

Northwest Indiana's police officers work hard to keep the public safe, often at great personal risk to themselves. I am committed to securing the safety equipment these brave men and women need, so they can do their jobs and keep our communities safe. The Bulletproof Vest Partnership Grant Program has been effective in saving the lives of law enforcement officers. According to statistics provided by the Lake County, Indiana, Sheriff's Department, bulletproof vests secured under this program have saved the lives of 18 police officers in that county alone.

Between 1999 through the end of 2003, 23 different law enforcement entities throughout my District have purchased a total of 1,119 vests to protect their police officers. Whether it is the largest city in my District, Gary, with a population of nearly 103,000 people and a current force of 296 police officers purchasing 678 vests, the Town of Merrillville, with a population of 30,500 and a current force of 52 police officers purchasing 89 vests, or in the cases of a smaller police department, like St. John Indiana, with a population of 8,300 and a force of 14 fulltime officers purchasing 34 vests for their officers, this program has worked to protect the lives of those who protect us.

As you know, the purpose of the Bulletproof Vest Partnership Grant Program is to protect the lives of law enforcement officers by helping States and local governments equip them

with bulletproof vests. Bulletproof vests and body armor have saved thousands of lives since the introduction of the modern bulletproof material, however, they cannot protect the lives of those who do not have access to them. Unfortunately, between 1992 and 2001, 594 police officers were gunned down in the line of duty. Of those slain, roughly half were not wearing bulletproof vests because sadly, their departments could not afford to provide them with these lifesaving pieces of equipment. The Federal Bureau of Investigation has estimated that the risk of fatality from a firearm for officers not wearing body armor is 14 times higher than for officers wearing body armor. The Fraternal Order of Police have stated that, "body armor is one of the most important pieces of equipment an officer can have and often mean the difference between life and death." According to the IACP/Dupont Kevlar Survivors Club, there are over 2,750 law enforcement officers in the United States who are alive today thanks to the bulletproof vests they were wearing.

The Bulletproof Vest Partnership Grant Program has directly benefited every State and territory of the United States. This critical program provides State, local, and tribal law enforcement officers with needed protection by aiding the purchase of protective equipment. More than 700,000 bulletproof vests are worn today as a direct result of this program.

The Act also recognizes that the lack of protective body armor is even more evident in small, rural police departments. Statistics show that officers in smaller departments are much less likely to have vests than their counterparts in large metropolitan departments. H.R. 1708, the text of which is included in Section 207 of this legislation, would meet the goal of saving officers' lives by reauthorizing the current grant program within the Justice Department for an additional 3 years, providing 50–50 matching grants to State and local law enforcement agencies. These grants are targeted to jurisdictions where most officers do not currently have access to vests, and they are designed to be free of the red tape that often characterizes other grant programs. That is why, in order to make sure that no community is left out of the program, half of the funds are reserved for jurisdictions with fewer than 100,000 residents.

In closing, the police officers who risk their lives are mothers and fathers, and they are sons and daughters. It is our obligation, to the officers and their families, to give them access to the equipment that will safeguard their lives. This legislation is intended to create a partnership with State and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof vest gets one.

I thank Madam Speaker and urge my colleagues to support the underlying bill.

Mr. CONYERS. Madam Speaker, I rise in support of this legislation. I first would like to commend Chairman SENSENBRENNER for reasserting the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Justice Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together at the Committee level to address our concerns with the Department and arrived at the bill before us today.

While the bill has numerous provisions that are worth notice, I would like to concentrate on a few. First, the bill reauthorizes the COPS office. We all know that this Clinton administration program has been increasingly vital in day-to-day crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over \$1 billion per year for three fiscal years for this important program.

The bill also includes language offered by my colleague Rep. ADAM SCHIFF to require the Attorney General to submit reports to Congress on the number of persons detained on suspicion of terrorism. This is important because the Department has thwarted congressional and judicial efforts to obtain justification for terrorism detainees. In the past few years, the Department's Office of the Inspector General has found that the Department and its components had abused terrorism suspects, pushing them into walls, leaving them in legal limbo, and depriving them of access to family or counsel. With these reports, elected representatives can better determine whether the Department is overstepping its bounds again.

Third, the bill gives the Office of the Inspector General over \$70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change how its procedures for handling terrorism suspects. The bill provides that the increased funding should be used largely for continuing their PATRIOT Act-related functions.

Finally, the bill recognizes the 40th anniversary of the founding of the Lawyers' Committee for Civil Rights Under Law. It was President Kennedy's vision that brought members of the bar together to fight for the civil rights of all Americans. The Lawyers' Committee continues that fight and deserves our recognition and thanks.

I urge my colleagues to vote "yes" on this legislation.

Mr. ACEVEDO-VILÁ. Madam Speaker, I rise in strong support of the Department of Justice Reauthorization Act. I commend Judiciary Chairman SENSENBRENNER, Ranking Member CONYERS, and other members of the Judiciary Committee for their diligent work on this bill. This bill makes important changes and adjustments to current law, which I believe will bring greater safety to our communities and ensure better and more efficient administration of crime-fighting programs.

There are two specific provisions of this Act that I would like to highlight.

The Reauthorization of the Bulletproof Vest Partnership Grant Act is an important step in assuring the safety of law enforcement officers throughout the Nation. It has been through this program that thousands of police officers, including many in Puerto Rico, have received the critical personal safety protection of bulletproof vests. While the threat of gun violence will continue to endanger our police, the reauthorization of this grant program will continue the reduction of firearms injuries and deaths to our Nation's law enforcement officers.

Additionally, there is language in H.R. 3036 that is of great importance to Puerto Rico. Un-

like in the States, the Commonwealth government centrally carries out the vast majority of law enforcement functions. The Commonwealth's budget for 2005 calls for \$752 million to support the 22,500 Commonwealth police officers who have the primary responsibility for law enforcement on the island, and they are joined by approximately 4,000 officers at the municipal level. For this reason, the disbursement of funds under law enforcement grant programs, such as the local law enforcement block grant and the Byrne Memorial Justice Assistance Grant, should be to the Commonwealth government. Under this scenario, the Commonwealth government then disburses funds to the municipal police forces as appropriate. This bill recognizes this unique structure, and includes language that appropriately directs the local law enforcement grants to the Commonwealth government.

Again, I greatly appreciate the leadership of Chairman SENSENBRENNER and his colleagues on the Judiciary Committee in bringing this important bill to the floor. I strongly support this legislation, and urge my colleagues to do likewise.

Mr. SENSENBRENNER. Madam Speaker, yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3036, as amended.

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

A motion to reconsider was laid on the table.

WELFARE REFORM EXTENSION ACT OF 2004

Mr. HERGER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2231) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

The Clerk read as follows:

S. 2231

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 "Welfare Reform Extension Act of 2004".

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH JUNE 30, 2004.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through June 30, 2004, in the manner authorized for fiscal year 2002, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2004 at the level provided for such activities through the third quarter of fiscal year 2002.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42

U.S.C. 603(a)(3)(H)(ii) is amended by striking "March 31" and inserting "June 30".

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH JUNE 30, 2004.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through June 30, 2004, in the manner authorized for fiscal year 2002, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2004 at the level provided for such activities through the third quarter of fiscal year 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

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

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

Madam Speaker, I rise in support of S. 2231, the Welfare Reform Extension Act of 2004. This legislation is a straight 3-month extension of key parts of the Nation's welfare system.

Madam Speaker, the historic welfare reform law we passed in 1996 is working. Since 1996, more than 2 million children have been lifted from poverty, millions of families have left or remain off welfare, cutting welfare dependence in half, child well-being has dramatically improved, and record numbers of low-income parents are working.

But, Madam Speaker, that is not enough. Despite our progress, 2 million American families still remain dependent on welfare today. More than half of welfare recipients do not participate in any work or job training to prepare them for the future. Every year, millions of families break up or never form, risking welfare dependence for years to come. We must do more to assist these families.

Madam Speaker, that is why it is unfortunate that we are here today to approve yet another straight extension instead of an agreement on more long-term improvements. The House passed such comprehensive reform bills in 2002 and a year later in 2003, but the Senate still has not passed a companion bill, although one is being debated now.

Madam Speaker, in an effort to promote at least some reforms in recent weeks I have introduced two alternatives to a straight extension. Both of these alternatives would continue welfare funding at current levels, just like the bill before us today, but these alternatives would also provide more to help low-income families.

My first alternative would expect more welfare recipients to engage in work, a proven path out of poverty, or help more families avoid welfare dependence altogether.

My second alternative also would continue current programs while re-directing a small portion of welfare bonus funds to promote more healthy

married families. Both policies are drawn straight from the reforms that passed the House last year as part of our welfare reform bill, H.R. 4.

I introduced these alternatives because, after 18 months of simply maintaining the status quo, we must do more to help low-income families. I wish we were debating either of these extension bills today. The simple fact is that every day that passes without comprehensive agreement means more low-income families depending on welfare. It means less work and job preparation by parents. It means fewer child care and child support resources available to help families. It means more poverty, and it means more families breaking up or never forming.

Madam Speaker, there is real danger in continued delay as well. The House-passed welfare bill proposes \$1 billion more in mandatory child care funding during the next 5 years. It proposes billions more in discretionary child care funding. It proposes full funding for TANF programs.

□ 1330

Will those dollars be available in future years? Perhaps. But as time continues to pass and funding becomes tighter, the assurance that increased or even current Federal funding for these programs will remain available becomes more tenuous. For the past several years, Members on this side of the aisle have resisted proposals to reduce welfare funding knowing that these programs are working and recognizing the need for sufficient funds to make further reforms successful. But that case becomes harder to make, for example, if there is no real work requirement for welfare benefits for yet another year as further reforms fall by the wayside.

Madam Speaker, I encourage all Members to support the bill before us today. The bill will continue current funding for key welfare programs through June 30, 2004. It has already passed the other body, and I know the President will sign it immediately. As I have said during prior extension debates, it is my sincere hope that this will be the final extension needed and that the next 3 months will result in a final agreement that will help millions more families achieve independence and a brighter future. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise also in support of this legislation, which would extend the TANF and related programs for 3 additional months. It is important that these programs continue uninterrupted. They provide the wherewithal that our States can deal with some very vulnerable populations and help people restore their lives and help people be able to work. The bill is important, the program is important, and we need to pass it. It also provides for the

extension of transitional Medicaid which provides health care benefits to people who are coming off welfare. These are important programs that need to continue uninterrupted.

Madam Speaker, I share the disappointment of the gentleman from California that we are not considering a long-term extension of TANF and related programs. I think we need to do that. However, I disagree with my chairman as to the reason why we have been unable to do that. In the other body, they are now working on a bill, and I hope they are successful in bringing forward legislation. They are working, Democrats and Republicans, to try to produce a good bill. I am very happy that an amendment was adopted today that increases the amount of money in child care by \$6 billion. We are starting to get towards a true bipartisan bill that will provide the resources that the States desperately need in order to move welfare reform to the next plateau, and that is getting families out of poverty, because we have not been very successful in achieving that plateau of getting families out of poverty.

The reason I disagree with the gentleman from California as to why we are at this point where we are asking for another short-term extension, I do not believe it is the other body's fault. I think it is this body's fault, because the legislation that we passed, and I might say without any deliberation in this body, we just rubber-stamped the bill that was passed in the last Congress. The bill was not a bipartisan bill, it was a bill that was not favored by our States, it was a bill that goes backwards on welfare rather than continuing reform by being so prescriptive to our States, telling our States what they have to do. Unfunded mandates on our States. It is estimated that to implement the requirements that we placed in this bill would cost our States at least another \$11 billion in child care alone, let alone some of the other expenses. The worst part about the bill was that it provides for make-work activities, not real jobs. It does not take America's families out of poverty who are leaving welfare.

The reason we were unable to accomplish that, there was no effort to reach out, to bring out a bill that was truly bipartisan like they are trying to do in the other body. As a result of the action of this body, we made it very difficult to get a long-term extension enacted. I regret that.

I wish Members would listen to some of the experts in this field. We just got a letter from David Hage from the Star Tribune, who has written a book titled, "Reforming Welfare By Rewarding Work." That is exactly what we want to do. He talks about the Minnesota example. Let me just quote from Mr. Hage, if I might:

"In a recent conference call with journalists, Assistant Health and Human Services Secretary, Wade Horn, said the next steps in welfare reform

should be reducing poverty and improving the well-being of families and children.

"Yet the White House and House proposals for TANF reauthorization would do little to accomplish these goals and might in fact subvert them."

Then he goes on to tell why the prescriptive nature of the bill that was passed by the House makes it difficult for States to adopt the type of programs necessary so that families can get the skills they need, the education they need, the training they need, so they can not only get a job but they can move up the economic ladder of success. That is what TANF reauthorization should be about. It should not be moving backwards to penalize people and to make it difficult for them to be able to succeed and, worse than that, making it very difficult for our States to comply with our laws without spending a lot more money, and not the way they think it is best to spend that money.

Madam Speaker, I support this bill because we need to continue this program; but as I have said, I think this is my sixth time on the floor on a temporary extension during the last year and a half. Once again speaking for the Members on this side of the aisle, we are ready to sit down today to work out a true bipartisan multi-year TANF reauthorization bill and to consider the issues so that we can really improve our welfare system, help our States and deal with those families that need our help today. If the leadership on the other side is willing to do that, we would not have to be doing these short-term extensions. We could, in fact, be voting on not only in this body but we could be sending to the President a good multi-year reauthorization of the TANF programs to help American families get out of poverty and find real employment.

Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the committee who was very instrumental in the 1996 TANF legislation.

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

Mr. LEVIN. Madam Speaker, the gentleman from Maryland as usual has put his finger on what the issue is here, that is, whether we want to move forward with welfare reform or we want to move backwards.

The problem with the approach taken by the Republican majority here has been, instead of trying to reach out and move welfare reform to another stage, they have instead decided, on a very partisan basis essentially, to craft their own bill that really moves this backwards.

Let me just indicate why. The gentleman from Maryland has pointed out a number of ways. We need to accentuate this. The gentleman from California says we have to help families who are still on welfare, but the child care provision in their bill is very, very

inadequate. The literature is not complete, we do not have all the data, but it is very clear that one of the reasons welfare reform has worked is because there has been considerable money set aside for child care. Indeed, President Clinton, who brought this issue to the fore many years ago, vetoed bills originally passed in this House because there was inadequate money for child care. Eventually this House, on a bipartisan basis, stood up and was counted on this issue; and we passed many, many more moneys for child care and eventually President Clinton signed the bill.

The contrast between the House and the Senate on child care moneys is very striking. The gentleman from Maryland mentioned that the Senate has now passed a \$6 billion proposal, and I think it was a vote overwhelmingly in favor, while the gentleman from California and others get up here and defend a child care provision in the bill that was passed here on a partisan basis that is minor compared to what is needed.

Health care is another problem. If we want to help families move off welfare, we should provide adequate health care coverage during the transition period. The Republican majority here has absolutely refused to step up to the plate on transitional Medicaid. Absolutely refused.

And then as to the families on welfare, the gentleman from California mentioned they are moving out of poverty. An essential ingredient of that is some training so people are trained to be able to move up the economic ladder. But, instead, what they did in their bill was essentially to take out the training element as one of the ingredients of a successful effort by people on welfare.

Those are just three of the reasons. By the way, this training aspect is so vital, and I think the Republican majority in the House and the President of the United States have failed to understand, to face up to this fact: poverty is increasing in the United States of America under their domain. It is increasing. We do not have all the figures; but it is clear, I think, that many of those still in poverty are people who have moved off of welfare, who have not had the adequate training to be able to move up the ladder and still remain in minimum wage jobs. By the way, they refuse to raise the minimum wage, too.

We need to extend the present system, but we also need to move on to the second phase of welfare reform. I am hopeful if there is a bill that passes the Senate that there can then be a conference and you will not on the Republican House majority side be so recalcitrant and insist on taking good elements out of welfare reform, one, and also refuse to put some added ingredients into welfare reform, two.

You have stonewalled. It is not the Senate. They are now moving ahead. The question is whether you are going

to be willing to be a partner with them and with Democrats in moving this ahead instead of moving backwards. Partisanship in welfare reform is a dead end. I hope you get off it and we can move as we did many years ago on a bipartisan basis and make a further improvement so people who are now on welfare indeed can move off it, can have the training, can have the child care, can have the health care so they and their kids can move out of poverty.

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

Just in response, the gentleman mentioned that the bill was inadequate in terms of funding. I would like to remind the gentleman to consider that the States have been offered some \$2 billion more in child care, that is in our bill, and that is on top of the \$170 billion of State and Federal welfare/child care funds currently available over the next 5 years. Also, there is some \$4 billion in TANF surplus that is available. I might also mention that another comment was made that there were unfunded mandates. The fact is that in this legislation, there are no unfunded mandates in H.R. 4.

Madam Speaker, I reserve the balance of my time.

Mr. CARDIN. Madam Speaker, I yield myself 30 seconds just to respond to the gentleman from California to point out that the only new money in this bill that passed this body, the only new money is some small dollars in regards to marriage promotion and \$1 billion guaranteed for child care. That will not even keep up with the current purchasing power, let alone provide the needed resources to deal with the new work requirements. In my own State of Maryland, we have frozen new enrollments into child care because of a lack of resources.

Madam Speaker, I am pleased to yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), who has been one of the leaders in this body on welfare reform, children's issues, and family issues.

Ms. WOOLSEY. Madam Speaker, I rise in support of S. 2231 because to do anything else would be irresponsible. We must continue assistance to those who need help getting back on their feet, and we must continue that assistance through the TANF program. But, Madam Speaker, we can do much better.

I speak from whence I came. I know about welfare. I lived it. Over 30 years ago as a young mother with three children, they were aged 1, 3, and 5 years old, my husband left us. I immediately went to work full time; but to keep it all together, I went on welfare, aid for dependent children, while I continued my full-time work so that my children could have the health care and the child care that they needed.

□ 1345

Because I was educated, because I had good job skills and good job experience, because I was healthy and my

children were healthy, lucky me, and the Members know I was assertive, eventually, I worked my way out of poverty. But it would have been almost impossible without the help of the Federal Government; and, believe me, I think that others should have the same opportunities that I did.

I know that we need to make education and training count as work activity for welfare recipients so mothers will have access to educational opportunities and job training to give them the skills they need so that they can get jobs that pay a livable wage, so that they can actually take care of their families. I know that quality child care, child care that actually includes infant and weekend and evening work, helps parents keep their jobs so that they can become self-sufficient and that these programs are essential to any welfare plan to give support to families in need.

Madam Speaker, as Congress continues to debate welfare reauthorization, we have to remember that the goal of welfare is to move women and their families from welfare to self-sufficiency, not from welfare to poverty as it is now. Therefore, we in this body must do a lot more to make this a true bipartisan bill so that families can get the real help that they need. In the meantime, I urge my colleagues to join me in continuing under S. 2231 what is going on now, so that we can improve the safety net for families in need.

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

Madam Speaker, the very first words in the TANF program are: "The purpose of this part is to increase the flexibility of the States . . ." The law then highlights several purposes such as helping needy families and promoting work.

My concern is that the legislation that passed this body takes a major step backwards in our stated goal of giving State flexibility.

The House bill reduces State flexibility on providing education and training by removing it from a core work activity. This is an issue for the States to decide, but, no, in our legislation we make it a Federal issue.

The House bill reduces States' flexibility in addressing the individual needs of welfare recipients by doubling the number of required work hours for mothers with children under the age of 6 required in the legislation that passed this body. This should be up to the States to make those judgments. That is what State flexibility is about.

The House bill reduces the flexibility of States to design programs that focus on moving people from welfare to work by increasing work participation rates without providing an employment credit for those individuals who leave welfare for a wage-paying job. Once again, the States should be able to tailor their own programs to meet their needs. That was the commitment we made in 1996.

And the House bill reduces State flexibility by imposing full sanctions,

not giving States the opportunity to have their own sanctions system, once again taking away flexibility from the States. That is not what we should be doing.

The 1996 welfare reform worked because we trusted our States, we gave them the tools, and they developed programs that made sense to get people off of welfare and to get people employed. That is what we need to do again in the next chapter of welfare reform by not only empowering our States but making it easier for them to get families out of poverty.

I urge my colleagues to support this legislation so that we can continue the current program, but I also urge my colleagues, particularly on the other side of the aisle, to sit down with us and let us work out a sensible bipartisan bill that really will continue the commitment we made in 1996 to our families of America and to our States, giving the States the resources and the flexibility to get the job done.

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

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

The comment was made that somehow we are not funding as much or funding is less. Not only is this not accurate, the exact opposite in fact is the truth. In terms of case welfare, child care funds available per person on welfare, there is twice as much funding available today as there was in 1996 because the rolls have been cut in half and yet the funding has remained constant.

For example, in 1996 the average amount of money available per welfare family was about \$7,000. Today, the average amount available for each family is \$16,000, from \$7,000 to \$16,000, that is available.

Madam Speaker, again, as I have said during prior extension debates, it is my sincere hope that this will be the final extension needed and that the next 3 months will result in a final agreement that will help millions more families achieve independence and a brighter future. I urge my colleagues to support this legislation.

Mr. BOEHNER. Madam Speaker, I rise today in support of S. 2231, but I am discouraged that we find ourselves needing to pass this legislation.

The bill before us today will extend the Federal welfare law, the Temporary Assistance for Needy Families program, or TANF, for another 3 months. This is the sixth time we have come to the floor to extend this program since its authorization expired in September 2002.

The 1996 welfare reform law is one of the most successful social policy initiatives in recent memory. However, we know there is more work to be done. A majority of TANF recipients—approximately 60 percent—still are not working for benefits.

To put even more Americans on the path to self-sufficiency and independence, the House passed H.R. 4 in February 2003. H.R. 4 strengthens current work requirements by asking welfare recipients to engage in work-re-

lated activities for 40 hours a week—16 of which could be in education, job training, or other constructive activities as defined by States.

The House-passed bill would ensure that no needy family would fall through the cracks. H.R. 4 creates a policy of universal engagement so that all families receiving welfare benefits must be in work or other activities leading to self-sufficiency. The House reauthorization measure also gradually increases to 70 percent the work participation rate required by States.

Moreover, the House reauthorization bill makes significant improvements to the Child Care and Development Block Grant. It adds \$1 billion in discretionary funding to the program over 5 years and requires States to devote more money to improving child care quality. These provisions will ensure that low-income parents have access to safe, quality child care as they move into work.

This week the other body is considering full welfare reauthorization. I am encouraged that the other body may soon pass its welfare reauthorization bill, and hope we will be able to resolve our differences quickly in a conference committee.

The millions of Americans still seeking to move off of the welfare rolls deserve no less. Those continuing to struggle to attain self-sufficiency need the assistance that H.R. 4 would provide.

While I hope this will be the last extension of current law we must pass, I urge my colleagues to support the bill before us today.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the Senate bill, S. 2231.

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

A motion to reconsider was laid on the table.

SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS REAUTHORIZATION

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2241) to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

The Clerk read as follows:

S. 2241

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

SECTION 1. EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.

Section 9(b)(7) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7)) is amended by striking "March 31, 2004" and inserting "June 30, 2004".

SEC. 2. CHILD AND ADULT CARE FOOD PROGRAM.

Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking "March 31, 2004" and inserting "June 30, 2004".

SEC. 3. REIMBURSEMENT TO STATES UNDER COMMODITY DISTRIBUTION PROGRAMS.

Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of

1987 (7 U.S.C. 612c note; Public Law 100-237) is amended by striking "April 1, 2004" and inserting "July 1, 2004".

SEC. 4. FUNDING MAINTENANCE OF COMMODITY DISTRIBUTION PROGRAMS.

Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "March 31, 2004" and inserting "June 30, 2004".

SEC. 5. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) IN GENERAL.—Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking "March 31, 2004" and inserting "June 30, 2004".

(b) PILOT PROJECTS.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking "March 31, 2004" and inserting "June 30, 2004".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2241.

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

There was no objection.

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

Madam Speaker, I rise to support bipartisan legislation that extends certain child nutrition provisions, that are set to expire at the end of this month, through June 30, 2004. This extension is vital to ensure that low-income children have access to safe and nutritious food in school, after school, and during the summer months.

The National School Lunch and Breakfast Programs, WIC, the Child and Adult Care Food, After School Snack, and Summer Food Service Programs, together make up a network of Federal child nutrition programs that are a critical part of our Nation's effort to ensure that needy children in America do not go hungry.

One week ago, the House passed H.R. 3873, the Child Nutrition Improvement and Integrity Act, with overwhelming bipartisan support. H.R. 3873 significantly improves Federal child nutrition programs by increasing program access for eligible children, enhancing program integrity, and emphasizing the importance of nutrition education, balanced diets, and physical activity to reduce the incidence of childhood obesity.

I urge the other body to pass companion legislation to reauthorize child nutrition programs soon so that children and their families can take advantage of these and other improvements to current law contained in H.R. 3873.

The extensions included in today's legislation are a temporary measure to

assure the continuation of current law until final legislation is signed into law. S. 2241 will assure us that millions of needy children will not lose access to meals and snacks that are needed for their healthy growth and development and academic success in school.

Millions of children, including many whose mothers and fathers serve in America's armed services, rely on these programs each day. Without this legislation, many children who reside with their parents in privatized military housing would lose the benefit of free or reduced-price school meals. In Delaware, approximately 250 children will benefit from this extension and up to 100,000 children nationwide. Taking these subsidies from children when many of their mothers and fathers are fighting for our Nation's security at home and abroad would have a devastating effect on these families.

This legislation would also continue the availability of healthy meals and snacks to low-income children enrolled in for-profit child care centers. Additionally, this legislation would allow schools, churches, and community organizations to operate summer food service program sites and, in 14 States, continue special pilot programs to reduce paperwork and thereby increase the number of disadvantaged children who receive free meals and snacks during the summer months.

Madam Speaker, there are just a few reasons why S. 2241 should be approved today with unanimous support. The child nutrition provisions that would be extended through this legislation benefit America's most vulnerable children. It is our duty as lawmakers to ensure that these at-risk children and their families can continue to receive the benefits for which they have been deemed eligible until the Congress can complete its work on legislation reauthorizing both the Child Nutrition Act and Richard B. Russell National School Lunch Act. I conclude by asking that my fellow colleagues to please join me in support of S. 2241.

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

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

I am pleased to join my colleagues in urging passage of S. 2241 to extend the authority for important child nutrition programs. I was pleased to stand on this floor last week with the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Chairman CASTLE), the gentleman from California (Mr. GEORGE MILLER), ranking member, and our entire committee to pass H.R. 3873, the Child Nutrition Improvement and Integrity Act, the House bill which both authorizes and makes some important improvements to the Federal child nutrition program.

H.R. 3873 improves accuracy in the school meals program without dropping eligible children. It makes it easier for eligible students to get free and reduced meals by making the application process easier.

H.R. 3873 makes homeless and migrant youth and children whose families receive food stamps automatically eligible for free meals. It allows youth up to age 18 to participate in meals programs if they are living in domestic violence or homeless shelters. It increases startup and expansion grants for the School Breakfast Program and includes a study of the best ways to overcome common barriers to offering breakfasts at all schools for all students.

H.R. 3873 helps students make better food choices and fight obesity with team nutrition which provides nutrition education to students and training and support to improve the nutrition of food sold in schools. It requires school districts to develop a local wellness policy which addresses both what students eat at school and the role that physical activity plays in good health. It creates greater opportunities for schools.

It includes fresh and dried fruits and fresh vegetables in school meals, gets our very youngest children off to a healthy start with the new WIC Fruit and Vegetable Pilot Program that will study the benefits of including fruit and vegetables in the WIC food package.

When we passed H.R. 3873 last week, Mr. Speaker, we proved that child nutrition truly is a bipartisan priority here in the House of Representatives. I urge my colleagues in the other body to make it a priority as well so that we can get child nutrition reauthorization and the improvements we need into law.

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

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

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

The primary goal of all of the Federal child nutrition programs is to increase opportunities for low-income infants and children so that they will eat nutritious food. Anytime the economy takes a turn for the worse, as it has done for a while now, we can see it first in the number of low-income children who do not have enough to eat.

□ 1400

The 2003 Key National Indicators of Children's Well-Being reports that nearly 46 percent of American children who live in poverty were in "food insecure" households, households that reported difficulty in obtaining enough food and increased use of emergency food sources, resulting in reduced food intake and resulting in hunger.

WIC and the School Lunch and Breakfast Programs and the Child and Adult Care Food Program are our very best weapons in the fight against childhood hunger. These programs ensure that every eligible infant and child in this Nation has access to nutritious food: at home, through the WIC Program; in child care, through the Child

and Adult Food Program; in school, through the School Breakfast and Lunch Programs; during out-of-school time, through After School and Summer Programs; and in homeless and domestic violence shelters.

Another way to get more food to hungry kids, particularly kids in working poor families, would be to pass the bill of the gentleman from Connecticut (Mr. SHAYS), of which I am a cosponsor, to phase out the reduced price category in school lunch and breakfast.

The 40 cents fee for reduced school price lunch is a major barrier for children of the working poor. While 40 cents may not seem like much money to us, if your income is between 130 percent and 185 percent of the poverty line and you have more than one child, it is often more than you can afford to spend.

Eliminating the reduced price category would save schools immeasurable time and money, because it would reduce their paperwork burdens and greatly simplify the eligibility program in the process.

Eliminating reduced prices works for schools, it works for hungry kids, and it should be something we start immediately.

Another change for the better would be to improve the nutrition quality of all of the food sold in our schools. Today, one out of every six children is overweight; and childhood obesity raises special concerns. It places children at high risk for disease and conditions previously only associated with adults. Nearly two-thirds of obese 5- to 10-year-olds have at least one additional risk factor for cardiovascular disease. There has been a dramatic increase in the numbers of children with Type II diabetes, the form of the disease directly linked to overweight adults.

In addition, childhood obesity is a strong predictor of adult obesity. A recent study found that 77 percent of children with a body mass index greater than the 95th percentile remained obese as adults.

A study just released by the Centers for Disease Control and Prevention found that, if current trends continue, obesity will become the leading cause of preventable death by next year; not in the future, next year.

Over-consumption of low nutrition soft drinks and snacks plays a key role in childhood obesity. Yet 43 percent of elementary schools, 74 percent of middle schools, and 98 percent of high schools have vending machines, school stores or snack bars that sell soft drinks, candy, salty snacks and baked goods that are at high risk and high in fat, while, at the same time, not providing healthy snacks as a balance.

We need a good, scientifically-based study on what is a healthy school environment; and then we need to help schools create that environment for their students. The child nutrition bill that we passed last week takes some good first steps with the local wellness

policy and team nutrition, but we need to be doing much, much more.

In addition to that, we should be trying to help all children make healthy eating choices. I certainly do not mean that we or should anyone else should become food policemen or police-women, but schools can be offered incentives to make healthy foods available, and children can be educated to choose those healthy foods.

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

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

Mr. Speaker, this is all pretty simple. We are passing this Senate bill to extend these programs from the end of March, which is tomorrow, until June 30. Hopefully, in that time the other body will take up the full reauthorization of these various nutrition programs.

I think the gentlewoman from California stated it correctly in terms of the benefit of those programs. It is my hope, frankly, that they use our bill as the base bill for what they are going to do. I think we are pretty much in unanimous consent in this House that what is in there makes a lot of sense. That is the reason we need to pass this today.

Mr. BOEHNER. Mr. Speaker, I rise in support of S. 2241, which extends the authorization for the expiring portions of federal child nutrition programs for an additional three months.

The child nutrition programs include the National School Lunch and Breakfast Programs; the Special Supplemental Nutrition Program for Women, Infants, and Children (or WIC); the Child and Adult Care Food Program; the After School Snack Program; and the Summer Food Service Program.

These invaluable programs—which are responsible for providing nutritious meals to millions of children and adults every day—are due for reauthorization this year. I am pleased to note that the House acted decisively last week to approve comprehensive reauthorization legislation, showing overwhelming support for a bill that includes positive reforms to improve program integrity and ensure services for eligible children. Unfortunately we have not had the opportunity to complete the reauthorization process with our friends on the other side of the Capitol, and for that reason, we are here today seeking to extend the current authorization an additional three months.

This bill contains one provision of particular importance to our Nation's soldiers, sailors and airmen. If this legislation is not approved, the children of Armed Forces members who live in privatized military housing and who are eligible for free and reduced-price lunch will lose their school meal subsidies. This would be an insult to these parents who work every day to secure our Nation's freedom.

In addition, this legislation contains a provision that allows for-profit child care centers to continue to participate in the Child and Adult Care Food Program, and to continue to provide meals and snacks to centers where at least 25 percent of the children enrolled meet the income eligibility requirements for free and reduced-price lunch.

Parents will always bear primary responsibility for their children's health and nutrition,

but this bill provides assistance for those who are having trouble making ends meet. The overall goal of all of the child nutrition programs is to make sure that low-income children and families have access to low-cost meals and snacks that are safe and nutritious.

The Child Nutrition Improvement & Integrity Act approved by the House last week includes important steps to ensure effective and efficient use of federal resources dedicated to child nutrition programs. The bipartisan bill, authored by Representative MIKE CASTLE (R-DE), would significantly enhance integrity in how the child nutrition programs are administered, and would ensure vulnerable children and families have improved access to nutritional services. I am eager to move forward with the Child Nutrition Improvement & Integrity Act, and I believe the extension before us will allow the Congress to complete a thorough and comprehensive reauthorization process that includes the positive reforms approved by the House last week.

This bipartisan bill is a simple, straightforward tool to make sure we are serving the millions of low-income children who depend upon the programs contained in the Child Nutrition and Richard B. Russell National School Lunch Acts. Mr. Speaker, I strongly support the bill before us today and I encourage the House to act once again in a bipartisan show of support for federal child nutrition programs by voting "yes" on S. 2241.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the Senate bill, S. 2241.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2231.

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

There was no objection.

REIMBURSING MEMBERS OF UNITED STATES ARMED FORCES FOR CERTAIN TRANSPORTATION EXPENSES

Mr. BRADLEY of New Hampshire. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2057) to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

The Clerk read as follows:

S. 2057

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

SECTION 1. REIMBURSEMENT OF CERTAIN TRANSPORTATION COSTS INCURRED BY MEMBERS OF THE UNITED STATES ARMED FORCES ON REST AND RECOVERY LEAVE.

The Secretary of Defense shall reimburse a member of the United States Armed Forces for transportation expenses incurred by such member for one round trip by such member between two locations within the United States in connection with leave taken under the Central Command Rest and Recuperation Leave Program during the period beginning on September 25, 2003, and ending on December 18, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2057.

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

There was no objection.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in support of S. 2057, which would retroactively reimburse 38,000 service members for their travel expenses incurred while on R&R, rest and recuperation leave. I would like to recognize and commend the majority for bringing this bill to the floor.

Last year, the United States Army issued a policy that will require both Active and Reserve forces to spend one year boots on the ground overseas. To improve morale and address the concerns expressed by commanders and troops in the field, the Department of Defense established a rest and recuperation program for those service members with 12-months tours.

Initially, the program allowed service members to travel from Kuwait to Germany and Baltimore, Maryland. Subsequently, they expanded that to two other airports, one in Atlanta and one in Dallas; and from these airports service members were then required to pay for their continued travel home.

Subsequent to this, the Department of Defense also established a similar program for our fine men and women on duty as part of Operation Enduring Freedom in Afghanistan. As part of this program, these service members were required to pay for the continued flight to their final destination, to their home.

Last year, Congress recognized the unfair burden this policy placed on service members and sought to rectify

it. However, in the course of doing that, the new benefit did not really kick in with the regulations until December 19, 2003. This was 3 months after the program started.

So we have approximately 38,000 troops who had to pay for their own travel expenses from their points of arrival in the United States to home. This amounts to about \$13 million. If my math is correct, that is an average of about \$342 for each one of those service members.

This is a small price to pay to restore fairness amongst the troops for this very important moral effort.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. I thank my friend from New Hampshire for yielding.

Mr. Speaker, last year, the U.S. military began employing its first rest and recuperation program, known as R&R, since the Vietnam War. Soldiers who have served 12 straight months in a combat zone qualify for R&R.

Sadly, however, we all remember the televised interviews of combat-weary American soldiers back from Iraq on R&R and stranded at Baltimore-Washington International Airport, unable to afford a plane ticket home.

Sad but true, Mr. Speaker, too many of our brave and battle-fatigued soldiers were unable to get to their hometowns to see their loved ones because same-day airfare was too expensive for many of our troops to afford.

That is why last fall I introduced an amendment with my friend, the gentleman from Kansas (Mr. MOORE), to make money available to cover troops' travel costs to their hometowns. With the support of the gentleman from California (Mr. LEWIS), chairman of the Committee on Appropriations Subcommittee on Defense, our amendment was passed and the Pentagon began paying our troops' airfare all the way home.

Unfortunately, though, Mr. Speaker, the Pentagon did not implement this program retroactively, which means the first wave of troops who came back from Iraq for R&R and who managed to scrape up the cash for airfare home are still to this day stuck with the tab to see their families.

So, today, Mr. Speaker, I rise in strong support of S. 2057, which will cover retroactively the domestic travel costs our brave troops incurred while on R&R leave.

Mr. Speaker, the Ramstad-Moore amendment put the House on record that the Federal Government should cover all travel and transportation costs necessary to return our brave troops home. That is why passage of this bill is so important. Now Congress must finish the job it began last fall, to make sure none of our troops fall between the cracks and are forced to pay their own transportation costs to get home.

Let us show today that we support our troops. Let us cover the costs that

enabled our troops to return home for R&R, briefly reuniting wives and husbands, parents and children and other loved ones.

I urge all my colleagues to support this important bill.

I want to thank the gentleman from California (Chairman HUNTER) of the Committee on Armed Services and the gentleman from New Hampshire (Chairman BRADLEY) for their support of this legislation, as well the gentleman from California (Chairman LEWIS) of the Committee on Appropriations Subcommittee on Defense, for their continued support of covering troop travel costs, and also want to thank the majority leader for allowing this legislation to come to the floor.

Mr. SNYDER. Mr. Speaker, I thank the gentleman from Minnesota (Mr. RAMSTAD) for his fine words and support.

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from Minnesota (Mr. RAMSTAD) for his remarks and the gentleman from Arkansas (Mr. SNYDER) as well.

Last September, I heard a National Public Radio story about troops coming back from Afghanistan and Iraq. They were being deposited at Baltimore and Atlanta, and from there forced to pay their own way home or stay in Baltimore and Atlanta. I could not believe this. I checked with my staff and found out it was in fact true.

I drafted a bill which, within 8 days, I think, got 155 Republican and Democrat cosponsors. I teamed up with the gentleman from Minnesota (Mr. RAMSTAD) who just spoke, and we put our bills together. He had a similar vote which passed by voice vote.

Unfortunately, it only went back, according to the Department of Defense, to December 19. Our intention was clearly that this be retroactive back to the date when this program started, the rest and recuperation, bringing our troops home to be reunited with their families and loved ones for 2 weeks before they went back to Afghanistan or Iraq to finish their tour of duty.

Now, I am very, very pleased that Senate S. 2057, the Senate companion to H.R. 2731 that the gentleman from Minnesota (Mr. RAMSTAD) and I had, will complete the job; and if the House passes this today, we will in fact ensure that the troops are entitled to be reimbursed for their travel prior to December 19 and will in fact be reimbursed. That is the right thing to do for our troops and country.

We talk so much in this body about how much we value our troops, and it was simply, simply wrong that we would ask those folks coming home from Iraq and Afghanistan to pay their own way back to their homes and then back to the coastal port for deployment again to finish their tour of duty.

There is a little bit of dispute about the number of troops. My figures were 29,000, those of the gentleman from Arkansas (Mr. SNYDER) were a bit more,

and there is a little bit of dispute about the cost of the reimbursement for travel for these troops.

But I think the intention of Congress here is very, very clear, and it is really, really nice when Republicans and Democrats can come together and the people out there in the country can see that in fact we are not just talking about supporting our troops, but we are putting our money where our mouth is. It is exactly the right thing to do.

□ 1415

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I had the opportunity in late October and early November to travel to Iraq to visit our troops and to assess the rebuilding of that troubled nation. The first stop, Mr. Speaker, that we made was in Kuwait in the desert at one of the camps, and we saw the actual R&R facility where members of our military were being processed. We had the chance to talk firsthand to people that were about to leave the theater and go home and, boy, let me tell my colleagues, they were very excited, Mr. Speaker, to be able to come home and visit loved ones. We know this was during the time when they had to pay their own way; but, nevertheless, they were pleased to be able to do it.

Then we traveled in and out of Baghdad with members coming on some of the C-130 transport planes. Once again, the same thing, they were very anxious to be able to come home for a couple of weeks and to be able to reunite with their families.

So, Mr. Speaker, I salute our military for authorizing this. Obviously, this legislation corrects an inequity, where those members of our military who wanted to travel home prior to December 19 are now going to be reimbursed for their expenses. Mr. Speaker, as indicated by the previous speaker, the gentleman from Kansas (Mr. MOORE), this was done in a bipartisan fashion. I salute not only the gentleman from California (Chairman HUNTER), the gentleman from California (Chairman Lewis), but certainly the gentleman from Arkansas (Mr. SNYDER), the gentleman from Kansas (Mr. MOORE), and the gentleman from Connecticut (Mr. SIMMONS) for their hard work on this very important piece of legislation that will deal with all of our troops fairly and will encourage this type of R&R in the future, which is so important to our troops in so many far-flung areas of the world.

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

Mr. SNYDER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Arkansas for yielding me this time.

On Saturday of last week, I attended the funeral of Sergeant Phipps, who had been killed in Iraq in the line of duty. And, of course, as one could ex-

pect, it was a very solemn period, and there were thousands of people from his community who came to pay their last respects.

It occurred to me as this bill was coming to the floor that individuals should have the opportunity certainly to come home and visit for rest, recuperation, and to see their families and friends while they are alive and healthy.

So I simply came down to urge passage of this legislation and to indicate my support for it and to suggest that all soldiers who give of themselves should have the opportunity to experience interaction with their family.

I thank the sponsors of this legislation, and I urge its strong support.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from New Hampshire (Mr. BRADLEY) for his work on behalf of this bill; along with the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from California (Chairman HUNTER), and the gentleman from Missouri (Ranking Member SKELTON) also for their fine work. I think this is a fine bill that will be much appreciated by our men and women in uniform and their families.

Mr. MATHESON. Mr. Speaker, as a long-time supporter of the military, I was dismayed to learn that U.S. troops were forced to pay their way home from Baltimore-Washington International Airport, while on rest and recuperation leave.

Late last year, Congress enacted legislation, which I supported, requiring the Department of Defense to provide travel and transportation allowances to military personnel serving in support of Operation Iraqi Freedom. As of December 19, 2003, the Department began covering these costs. Unfortunately, a number of soldiers who were issued leave beginning on September 25, 2003 were not eligible for travel reimbursement. Today, the Congress has rectified this discrepancy by ensuring that all of our soldiers will be reimbursed for their travel while on leave.

I am well aware of the current demands faced by American soldiers and the sacrifices made by family members and loved ones. American soldiers have always excelled in their military duties and at a time when many of our troops are deployed for a year or more, it is imperative that Congress and the federal government adequately provide for them.

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and pass the Senate bill, S. 2057.

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. BRADLEY of New Hampshire. 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.

ESTABLISHING CAMPAIGN MEDALS TO BE AWARDED TO MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3104) to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom, as amended.

The Clerk read as follows:

H.R. 3104

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

SECTION 1. SEPARATE MILITARY CAMPAIGN MEDALS TO RECOGNIZE SERVICE IN OPERATION ENDURING FREEDOM AND SERVICE IN OPERATION IRAQI FREEDOM.

(a) REQUIREMENT.—The President shall establish a campaign medal specifically to recognize service by members of the uniformed services in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the uniformed services in Operation Iraqi Freedom.

(b) ELIGIBILITY.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in regulations to be prescribed by the Secretary concerned (as defined in section 101 of title 10, United States Code). In the case of regulations prescribed by the Secretaries of the military departments, the regulations shall be subject to approval by the Secretary of Defense and shall be uniform throughout the Department of Defense.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

GENERAL LEAVE

Mr. SIMMONS. 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 Connecticut?

There was no objection.

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

Mr. Speaker, I rise today to share my support for H.R. 3104. I was pleased to join my colleagues, the gentleman from Arkansas (Mr. SNYDER) and the gentleman from Texas (Mr. REYES), in introducing this legislation last September.

The legislation we are considering today authorizes campaign medals for military personnel who have been participating in the war on terror. Essentially, the legislation would authorize

separate medals to be awarded for service in Iraq and in Afghanistan. The President and the Pentagon would be charged with determining who would receive the medals.

Mr. Speaker, those of us who have served in the military realize that the medals awarded and the ribbons worn on the uniform are essentially a biographic statement of the service of the military officer or NCO. Speaking for myself, when I take the ribbons that I have earned after over 30 years of military service and I look at them, I can recall where I was, what I was doing, and what I received credit for from my military chain of command.

By the same token, military officers and NCOs observing each other in uniform with their decorations on their uniform realize whether an individual served in a theater of operations where they served. That is one of the reasons why we think it is important to differentiate between service in Iraq or service in Afghanistan, even though service in both locations involves the war on terrorism.

Looking at the charts that I have here today on display, my colleagues will notice that there are certain other occasions where individual medals are awarded, even though the campaign has one consistent objective. For example, we have a Cuban Occupation Medal and a Puerto Rican Occupation Medal, as well as a Spanish War Medal and the Philippine campaign. Some would argue that each of these decorations goes to the issue of one concerted effort by the United States, yet service in those different locations has previously been determined to result in a specific or a special award.

On another chart over here, we have, for example, the Korean War decoration, and I do not see it in front of me, but we all know that those members of the armed services who served in Korea were given a special award for that; but also if one served in Vietnam, as I did, one gets a special award, right here, the Vietnam campaign ribbon. As well, those who served in the liberation of Kuwait 10 years ago and those who served physically in Saudi Arabia, as those who participated in the liberation of Kuwait and were actually in Kuwait, have two different decorations, which are indicated here.

So the point I am trying to make, Mr. Speaker, is that in the past, it has not been unusual to provide awards and decorations that are specific to a particular theater or country in which a military officer or NCO has served, even though those campaigns and those activities may have been part of a larger enterprise.

It is on this basis, Mr. Speaker, that I believe that this legislation has great merit. I commend my colleagues on both sides of the aisle for supporting this legislation.

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

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

I also rise in support of H.R. 3104, which requires the President to establish separate campaign medals for servicemembers who participate in Operation Enduring Freedom in Afghanistan and then a separate medal for Operation Iraqi Freedom. I would like to thank the gentleman from Connecticut (Mr. SIMMONS) for the work he has done on this bill. As a career military officer, he recognizes the importance of providing proper recognition to our men and women in uniform.

The bill we originally introduced allowed members of the armed services to receive separate campaign medals for Operation Iraqi Freedom and Operation Enduring Freedom. As amended on the floor today, it also includes all members of uniformed services.

Let me say, Mr. Speaker, the intent of our bill is not to replace the administration's Global War on Terrorism Expeditionary Medal, nor the Global War on Terrorism Service Medal, rather, to provide separate campaign medals to recognize folks who have participated in the Iraq campaign and in the Afghanistan campaign. This follows the pattern that this country has done before in honoring its men and women in uniform.

For example, we have a World War II Victory Medal, but then we also had separate theater campaign medals, such as the Asiatic Pacific Campaign Medal; and this bill leaves the regulations and eligibility for these two medals to be determined by the President and the Department of Defense.

One of the issues that has come up is, well, who is the responsible party for establishing these kinds of medals? In fact, Congress has often taken the lead to do that. I would like to go through some of these bills, if I might.

The battle of Manila Bay Medal, also called the Dewey Medal, was established by Congress in 1898. The Spanish War Medal authorized by Congress in 1918; the Mexican Border Service Medal authorized by Congress in 1918; the Philippine Congressional Medal authorized by Congress in 1906; the World War I Victory Medal in 1919, authorized by Congress; the Army Occupation of Germany, World War I, authorized by Congress in 1941; the Spanish Campaign Medal authorized by Congress in 1905; the World War II Victory Medal authorized by Congress in 1945; the Prisoner of War Medal authorized by Congress in 1985; the Medal for Humane Action also known as the Berlin Airlift authorized by Congress in 1949.

I would like to recognize another one too. In 1956, the Congress authorized the Civil War Campaign Medal, and the reason it was taken up in 1956, so many years after the Civil War, is because the Army had had a Civil War campaign badge, but a judge advocate general in the Army in 1905 thought that the Army probably did not have the authority, that only Congress had the authority to do a campaign medal, and Congress rectified this in 1956 by authorizing the Civil War Campaign Medal.

My point, Mr. Speaker, is that I believe the record is very clear that Congress not only has the authority to do this but, in fact, that has been the history of establishment of a lot of our medals.

I would like to recognize too the leadership of the Committee on Armed Services who helped bring this bill forward. The gentleman from California (Chairman HUNTER) has been a forceful advocate, both publicly and privately, in support of this bill, as has the gentleman from Missouri (Ranking Member SKELTON).

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

Mr. SIMMONS. Mr. Speaker, I yield 3 minutes to my colleague, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise today in strong support of H.R. 3104. This bill will establish separate campaign medals for Operations Enduring Freedom and Iraqi Freedom.

I want to thank the gentleman from Arkansas (Mr. SNYDER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Connecticut (Mr. SIMMONS), and the gentleman from Texas (Mr. REYES) for their hard work, the Committee on Armed Services for reporting this bill to the full House, and the leadership for getting it to the floor so expeditiously.

Upon returning from Iraq last fall, I introduced a similar bill to the one before us today. After visiting with soldiers on that trip, I became convinced that we needed to establish separate medals for service in Afghanistan and Iraq in order to give our troops the recognition they deserve. A number of the troops mentioned that they have served in both countries and would appreciate separate medals to distinguish their service. Many of our servicemen and -women who have served in these two very different campaigns in the war on terrorism feel the same way, and they deserve the recognition.

Currently, the Department of Defense has established the Global War on Terrorism Expeditionary Medal for those who have deployed to Operation Enduring Freedom and Iraqi Freedom. The Global War on Terrorism Service Medal is for those who have served in support roles since September 11. Our troops can only be issued these medals once, even if they have served in both operations.

□ 1430

I do not think these medals go far enough. The war on terrorism will be a long struggle with many major military campaigns and fronts.

In my opinion, this fact warrants separate medals for the war's first two major campaigns. There is also precedent for these medals. During World War II, for example, three campaign medals were issued to recognize the different fronts of the war: the American Campaign Service Medal, the Asiatic-Pacific Campaign Medal, and the European-African-Middle Eastern Campaign Medal.

During the 1990s, DOD issued the Southwest Asia Service Medal for the Persian Gulf war in 1991 and the Kosovo Campaign Medal for the 1999 U.S.-led war in Kosovo.

By awarding separate medals we simply recognize the specific contribution our servicemen and women have made in Afghanistan and Iraq. These medals would not take away from the significance of the global war on terrorism medal.

I also think DOD should establish separate medals for future major campaigns in the war on terrorism.

I want to conclude my remarks by saying thank you to the men and women of our armed services for their service and sacrifice. Moments like these always remind me that freedom is not free. Thank God we have men and women who are willing to volunteer their service to protect and fight for our great Nation. These medals are just one of the many ways we should recognize them.

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

Mr. Speaker, I want to commend the gentlewoman from Texas (Ms. GRANGER) for her leadership on this bill. She has been working on this issue for some time, also.

I neglected to mention the gentleman from Texas (Mr. REYES) who has his own Vietnam Service Campaign Medal for his work as a helicopter crew chief and is now a fine member of the Committee on Armed Services. And I thank the gentleman from Connecticut (Mr. SIMMONS) for his work.

Let me repeat in closing that those of us who have worked on this bill, have sponsored and cosponsored this bill, do not at all intend this as a replacement for the global war on terrorism service medals and expeditionary medals. We support those medals. What we think, though, is we need to recognize that contribution, that camaraderie that comes from our men and women in uniform that are serving in Iraq so they can have their own campaign medal and our men and women in Afghanistan so they can have their own campaign medal in addition to the Global War on Terrorism Expeditionary Medal.

So I urge support of this bill.

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

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

George S. Patton, Jr., once said, quote, "The results of decorations works two ways: It makes the men who get them proud and determined to get more, and it makes the men who have not received them jealous and determined to get some in order to even up. It is the greatest thing we have for building a fighting heart." I would only correct the great General Patton today by saying the men and women who receive them. Because, as we know, in today's military forces men and women are providing an equal contribution.

As my colleague has indicated, service in uniform and service in a war

zone is not simply about awards and decorations, it is about our national policy, and it is about working as a team with other men and women in uniform. But the awards and decorations they receive provide them with incentive and provide them with a living history which becomes their career in service to their country. That is why refreshing and upgrading the medals that are offered to our servicemen and women is so important.

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

Mr. SNYDER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Arkansas (Mr. SNYDER), my friend, for yielding and for giving me this time.

Actually, this is a very, very important bill; and I speak in favor of it. As you know, we have two major, ongoing conflicts in the Middle East regarding the American forces. The first is a guerrilla warfare in Iraq and the second is going after the genesis and the home of the terrorists in Afghanistan that caused us so much and continues to cause us so much international terror.

I voted for the resolution regarding conflict in Iraq because I felt it was necessary, based upon the weapons of mass destruction allegation. We went in there; and, as a result of the very tremendous military field victory of our troops, we stayed. The ongoing guerrilla warfare has erupted which is an effort to do away with the stability and do away with transferring sovereignty to a stable, representative Iraq. The purpose of those are, whether they be Baathist or Fedayeen or jihadists or remnants of Afghanistan's al Qaeda, trying to destabilize that government. That is the purpose of guerrilla warfare. That is one war in and of itself.

The second in Afghanistan, the purpose there, of course, was going after those who have been causing terror to the United States for quite some time, beginning 1993 in the World Trade Center; 1996, the Khobar Towers bombing; in 1998, the simultaneous bombing of the embassies in Tanzania and Kenya; and then the boat bombing of the USS *Cole* in the harbor at Yemen; and, of course, September 11, 2001, came along, was the culmination. The terrorists home base is Afghanistan.

I think there should be separate ribbons for those separate conflicts, and I think this is very good. I compliment the gentleman from Arkansas (Mr. SNYDER) for introducing this. I thank the gentleman from Connecticut (Mr. SIMMONS) for the strong support. I think it is the right thing to do. It should happen. So then when we see someone in uniform wearing either or both of these ribbons, we can recognize it and say thank you.

Mr. SPRATT. Mr. Speaker, I rise today in strong support of S. 2057 and H.R. 3104. S. 2057 provides retroactive travel reimburse-

ments for troops who returned home before December 19, 2003 from Iraq and Afghanistan for rest and recuperation leave. H.R. 3104 provides separate combat medals for the operations in Iraq and Afghanistan. I think you would be hard pressed to find a Member of Congress who opposes these low cost bills to benefit our troops. The only question is: What took us so long?

During debate on the \$87 billion Iraq supplemental last October, I introduced an amendment that would have provided for free travel all the way home from Iraq and Afghanistan for troops on R&R leave, and would have required separate campaign medals be issued for service in Iraq and Afghanistan, among other important personnel benefits. The Republican leadership in the House would not even let this amendment on the floor for a vote. So here we are six months later, and we are only just now revisiting the issues.

Why so long? Quite simply, the Bush Administration opposed separate war medals for Iraq and Afghanistan, preferring instead to issue one service medal for the Global War on Terror. I understand the Administration's desire to put these operations in a larger context, but that does not translate to our troops on the ground. Circumstances leading up to and in Iraq and Afghanistan were very different, as are the challenges our troops face on the ground today. Furthermore, the Pentagon policy not only authorized a single medal for OEF and OIF, it does not prescribe service stars to reflect service in both conflicts or multiples tours of duty in the same conflict. This is blatantly wrong. Campaign and service medals proudly reflect military service in a particular conflict, enhance esprit-de-corps, and are a strong part of military history. It means a great deal to an infantryman to look at his fellow soldiers and say "Iraq—yes sir, I was there."

The British established the Iraq Campaign Medal to recognize service in, and in support of, operations in Iraq. Australia established separate "Afghanistan" and "Iraq" clasp for their Active Service Medal to reward OEF and OIF service. So why would we deny our servicemen, who are sacrificing so much for our country, separate medals that can boost morale for such a small price?

And if the Global War on Terror continues for many years on many fronts as the President has suggested it might, are we to expect that the Administration would prefer that we issue no new campaign medals in perpetuity? H.R. 3104 makes sure this will not be the case.

S. 2057 and H.R. 3104 are low cost, long needed morale boosts for our troops in the field, and though it has taken us too long to get to them, I wholeheartedly urge their passage today.

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

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 3104, 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. SIMMONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING THE UNITED STATES AIR FORCE ACADEMY ON ITS 50TH ANNIVERSARY

Mrs. WILSON of New Mexico. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 386) congratulating the United States Air Force Academy on its 50th Anniversary and recognizing its contributions to the Nation.

The Clerk read as follows:

H. CON. RES. 386

Whereas on April 1, 1954, President Dwight D. Eisenhower signed legislation establishing the United States Air Force Academy to prepare young men for careers as Air Force officers;

Whereas in July 1955, the first class entered the Air Force Academy, attending classes in temporary facilities at Lowry Air Force Base in Denver, Colorado;

Whereas the Air Force Academy moved to its permanent home near Colorado Springs, Colorado in August 1958;

Whereas the first class of 207 cadets graduated in June 1959;

Whereas in 1964, President Lyndon B. Johnson signed legislation authorizing each of the Service Academies to expand enrollment from 2,529 to 4,417 students, and today, 4,000 cadets attend the Air Force Academy;

Whereas women were first admitted to the Air Force Academy in June 1976, and the first class that included women graduated in June 1980;

Whereas 44 classes and 35,000 cadets have graduated from the Air Force Academy in its 50-year history;

Whereas the mission of the Air Force Academy is to inspire and teach outstanding young men and women to become Air Force officers and to prepare and motivate them to lead the Air Force in its service to the Nation;

Whereas the Air Force Academy is recognized worldwide as the premier developer of aerospace officers and leaders with impeccable character and knowledge; and

Whereas April 1, 2004 marks the 50th anniversary of the founding of the Air Force Academy: Now, therefore, be it

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

(1) congratulates the United States Air Force Academy on its 50th Anniversary;

(2) acknowledges the continued excellence of the United States Air Force Academy and its critical role in the defense of the United States; and

(3) recognizes the outstanding service to the Nation that graduates from the United States Air Force Academy have provided.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mrs. WILSON).

GENERAL LEAVE

Mrs. WILSON of New Mexico. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership in proposing this resolution. I urge my colleagues to support H. Con. Res. 386 which congratulates the U.S. Air Force Academy on its 50th anniversary and recognizing its contributions to the Nation.

It is particularly meaningful to me to be here today. I have several perspectives. In addition to being a Member of Congress, I am a veteran myself. I served 31 years in the Army National Guard. But I greatly appreciate the service of the Air Force. It has been extraordinary, the military professionalism that truly has been generated by the Air Force Academy.

I had the extraordinary opportunity firsthand to accompany the gentleman from Missouri (Mr. SKELTON), as the ranking member of the Committee on Armed Services, to visit Iraq last September; and I saw firsthand the success of the precision bombing which protected the civilian population and protected the schools and the mosques while the military targets were utterly destroyed in one of the most successful military operations in the history of the United States, protecting the American people from the terrorists by going after them in Afghanistan, going after them in Iraq. And American families are safer.

Additionally, I am grateful to be a service academy parent. I know firsthand how academies promote the high standards of academics. Actually, my son went to an academy which is in the State of Maryland, not in the State of Colorado, but I do have great appreciation for the Academy.

There are facts that should be known, that 32 cadets have been selected as Rhodes Scholars, including our colleague, the gentlewoman from New Mexico (Mrs. WILSON), who also has, I think, the great distinction of being the first female graduate of the Air Force Academy serving in Congress.

Additionally, six cadets have accepted Marshall scholarships; nine cadets have received the Harry S. Truman scholarship; 92 cadets have been accepted as Guggenheim Fellows. There is so much to be appreciative of of the military service, the academic success of the Air Force Academy.

Mr. Speaker, I urge support of the resolution.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 386 intro-

duced by the gentlewoman from New Mexico (Mrs. WILSON) and my colleague on the Committee on Armed Services; and I commend her on your efforts to recognize the 50th anniversary of the United States Air Force Academy.

On April 1, 1954, President Dwight D. Eisenhower signed into the law a bill that established the United States Air Force Academy; and this Thursday, April 1, 2004, the Nation will recognize the 50th anniversary of this Academy and its efforts to inspire and develop outstanding young men and women as Air Force officers.

However, the history of the Academy began long before the bill was signed by President Eisenhower. One of the first to recognize the need and to advocate for an air service academy was Brigadier General Billy Mitchell, often considered to be the father of the United States Air Force. He was an outspoken advocate of strategic air power, and he had attempted to establish an air school for many years.

Progress on the Air Force Academy began in 1949 when Secretary of Defense James Forrestal established a board of military and civilian educators to recommend a general system of education for the services. The board, which was headed by Dwight D. Eisenhower, then president of Columbia University, and Robert L. Stearns, then president of the University of Colorado, recommended that an Air Force Academy be established; and this was done in 1954 under President Eisenhower's signature.

The Academy's commitment to excellence began with its first class in July of 1955, which was comprised of 306 men who lived in temporary facilities at Lowry Air Force Base in Denver, Colorado. Lieutenant General Hubert R. Harmon, recalled from retirement, became the first superintendent. The Cadet Wing moved to its current location 3 years later in 1958, and the first class graduated in 1959.

In 1964, the academies were allowed to nearly double their enrollment to over 4,400 cadets. In 1976, the first class of women was allowed to attend the service academies, including the Air Force Academy. Since then, more than 35,000 cadets have graduated from the Air Force Academy, including 196 international cadets.

The gentleman from South Carolina (Mr. WILSON) recognized several of the scholarly attributes of cadet graduates, including 32 cadets who have been selected as Rhodes Scholars. I want to call attention to the fact that one of those is my colleague, the gentlewoman from New Mexico (Mrs. WILSON), who was also a Rhodes Scholar.

I also want to recognize 31 cadets have accepted Fulbright-Hays scholarships. Probably even more importantly, Air Force cadet graduates are not only accomplished scholars but have also distinguished themselves on the battlefield. One hundred and twenty-nine graduates have been killed in combat; 36 graduates were prisoners of

war; two were combat aces; and one academy graduate, Captain Lance P. Sijan, received the Congressional Medal of Honor for his extraordinary heroism in Vietnam.

Mr. Speaker, let me congratulate the United States Air Force Academy on its 50th anniversary and recognize the outstanding service that these graduates have provided to our country's defense.

Once again, Mr. Speaker, let me thank my very special colleague, the gentlewoman from New Mexico (Mrs. WILSON), for her efforts to bring this bill forward as an Air Force Academy graduate.

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

□ 1445

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague for his kind words.

This resolution is cosponsored by 22 Members of the House, including the gentleman from Colorado (Mr. HEFLEY) in whose district the academy is located, and a man named SAM JOHNSON who was honored in the library of the academy. It is a very young version of SAM JOHNSON that is honored there because he was one of the prisoners of war who served in the Air Force and was a prisoner of war during Vietnam; and, of course, the gentleman from Texas (Mr. SAM JOHNSON) is now one of our colleagues here in the House of Representatives.

The gentleman from California (Mr. HUNTER), who is chairman of the Committee on Armed Services, and the gentleman from Pennsylvania (Mr. MURTHA) has been a long-time leader in defense in the House of Representatives, and of course, the gentleman from California (Mr. CUNNINGHAM). I was a little surprised that the gentleman from California (Mr. CUNNINGHAM) cosponsored with me because he has always given me a hard time for being, I think he calls me an Air Force puke, which I take in a polite way. Of course, Duke was one of only two aces in the Vietnam War. Duke was a Navy pilot. The other one was Steve Ritchie, a graduate of the United States Air Force Academy.

Thursday is the Air Force Academy's golden anniversary. It has been 50 years since the President of the United States, Dwight David Eisenhower, established the Air Force Academy. It is in the Rampart Range of the Rocky Mountains at over 7,000 feet of altitude, over 18,000 acres of campus in that beautiful State; but it was not for sure that it was going to be located in what seems now the perfect location for an air academy. St. Louis and Wisconsin were also finalists, and I think Colorado is now glad that they agreed to have the Aluminum University north of Colorado Springs.

The mission of the Air Force Academy is to inspire and develop outstanding young men and women to be-

come Air Force officers with knowledge and discipline, motivated to lead the world's greatest aerospace force in service to the Nation; and for 50 years, that is what the Air Force Academy has done.

It has given us graduates who have known that maybe the real mission of the Air Force is to fly, fight, and win. It has given us graduates who have been distinguished in science, graduates who have earned the Medal of Honor, graduates who have been prisoners of war and returned home, graduates who did not return home.

There are 4,000 cadets in the corps of cadets at the Air Force Academy, and every one of them applies to Members of this body, to the people's House, for the opportunity to attend that great institution and to become part of the long blue line. They accept the challenges not only of academics and of leadership, but also of ethics and character embodied in the honor code; and among graduates of the Air Force Academy, it is the honor code which to us sets the academy apart. We will not lie, steal, cheat, or tolerate among us anyone who does. That standard of ethics is the foundation of character for our military officers, and it is something that all of us as graduates are proud of.

So, today, I hope that this House will join me and my colleagues in congratulating the Air Force Academy on its 50th anniversary and recognizing its service to the Nation. They have given us leaders of character for the Nation. I thank all of them for their service.

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

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES), a member of the Committee on Armed Services and a Vietnam veteran helicopter crew chief.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time, and I am here to support and endorse this bill to congratulate the Air Force Academy.

My first term in Congress I was a member of the Visitors Board of the Academy; but most importantly, the Air Force Academy offered my son an appointment. He wound up going to West Point, but it was not an easy decision for him to make; and it was always, for us, a great point of honor to have that offered to my son and, also, more than that, to see the quality of young men and women that come through that great facility.

The academy, I think, symbolizes the best that this country has to offer through its national defense and its military.

I also, if I could, would like to mention that I strongly endorse the bill that reimburses our military personnel for their R&R expenses, travel expenses here as they come back from Operation Iraqi Freedom and the operations in Afghanistan; and in addition to that, I think it is vitally important that this

people's House endorses and supports awarding a different campaign medal for Afghanistan from one for Operation Iraqi Freedom and the battle in Iraq. Those are all important issues for all our military personnel.

With that, I thank the gentleman for yielding me the time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume. I have no further speakers and would close if it is appropriate.

Mr. Speaker, I think this must be a special day for the gentlewoman from New Mexico (Mrs. WILSON) today, as an Air Force Academy graduate, to be able to carry this bill on the House floor commending the 50th anniversary of the Air Force Academy; and it is a pleasure to be here with her.

I recognize the strong tradition of service that the Air Force Academy has had to this country, and I am proud to support and endorse this bill.

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

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

On Thursday, at the Air Force Academy, the cadet area of the Air Force Academy is going to be designated as a national historic landmark; and for the 35,000 Americans who have walked around the corners of that terrazzo, it will be a special day.

It is really a privilege and an honor to be here today to honor the Air Force Academy and to wish them all the best on the next 50 years.

Mrs. MALONEY. Mr. Speaker, at a time when our men and women in uniform are deployed overseas, it is especially appropriate to acknowledge the contributions of the institution that has trained so many of our Air Force leaders. I join my fellow Americans in celebrating the United States Air Force Academy on its 50th anniversary.

While the vast majority of cadets at this institution have gone on to distinguished careers of service that have made us all proud, it is unfortunate that the Academy's ineffective approach to the problem of sexual assault has tarnished the reputation of the Air Force Academy in the past decade. An investigation commissioned by Congress—chaired by former Congresswoman Tillie Fowler—made recommendations less than a year ago on how to improve the culture at the Air Force Academy to support victims of sexual assault.

Mr. Speaker, the report makes clear that the recommendations made in the report are only a beginning to solving the problem of sexual assault at the U.S. Air Force Academy. It states that the common failure in each of the many efforts made to address this problem over the past decade was the "absence of sustained attention to the problem and follow-up on the effectiveness of the solution."

It is essential that we, as Members of Congress, follow up on the recommendations made to ensure that the

culture of the Air Force Academy does not tolerate sexual assault, perpetrators are punished, and victims are supported. The reputation of such a distinguished institution should not continue to be frayed by its failure to effectively address this one important issue.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentlewoman from New Mexico (Mrs. WILSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386.

The question was taken.

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

Mrs. WILSON of New Mexico. 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.

PROVIDING FOR CONSIDERATION OF H.R. 3966, ROTC AND MILITARY RECRUITER EQUAL ACCESS TO CAMPUS ACT OF 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order (except those arising under the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman

from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

On Thursday, March 25, 2004, the Committee on Rules announced that it may meet the week of March 29 to grant a rule which could limit the amendment process for floor consideration of H.R. 3966. The announcement further stated that any Member wishing to offer an amendment submit the amendment to the Committee on Rules by 1 p.m. on Monday, March 29, 2004. No amendments were submitted to the Committee on Rules for their consideration.

H.R. 3966 is based on a simple principle. Colleges and universities that accept Federal funding should also be willing to provide military recruiters the same access as other prospective employers to students in ROTC scholarship programs.

This legislation would improve the ability of the Department of Defense to establish and maintain ROTC detachments and ensure that military recruiters have access to college campuses and students.

Successful recruitment for our military relies heavily on the ability of these recruiters to have access to the students and the students to be able to have access to the recruiter easily.

This bill also requires an annual verification of colleges and universities who already support ROTC that they will continue to do so in the upcoming academic year.

The Department of Defense seeks nothing more than the opportunity to compete for students on an equal footing with other prospective employers. At no time since World War II has our Nation's freedom and security relied more upon our military than now as we engage in the global war on terrorism.

Our Nation's all-volunteer armed services have been called upon to serve, and they are performing their mission with the highest standards. The military's ability to perform at this standard can only be maintained with effective and uninhibited recruitment programs.

As many of my colleagues know, the Armed Forces face a constant challenge in recruiting top-quality personnel, and I believe that ROTC programs are ideally suited to meet those needs. To that end, I urge my colleagues to support the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I would like to thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary 30 minutes.

Mr. Speaker, we are considering this bill, surprise, surprise, under a closed rule. Once again, the Republican majority has decided that thoughtful debate and the ability for Members to

offer amendments is too much of a bother.

We learned that the underlying bill, H.R. 3966, was going to be on the floor at the end of last week when Members left Washington to return to their districts. Most Members did not arrive back in Washington until yesterday afternoon, which is exactly the time the Committee on Rules was meeting to report out this closed rule. So, once again, the majority has gone out of its way to stifle debate, prevent amendments, and rush legislation through the House before people know what hit them.

Mr. Speaker, one of these days, and I hope it is soon, this kind of heavy-handed use of power is going to backfire, especially when there is so much important work that is not being done.

At the end of the debate on this rule, I will urge a "no" vote on the previous question so that the House can consider the critical issue of unemployment insurance for the estimated 1.1 million jobless workers who will have exhausted their regular unemployment benefits without receiving additional aid. This is the largest number of exhautees in over 30 years, and this figure will only continue to grow when 80,000 more jobless workers exhaust their regular benefits and go without any additional aid each week.

As for the underlying bill, H.R. 3966, it is my view that it should be defeated. In 1995 and 1996, Congress passed legislation to deny Defense Department funding to colleges and universities that failed to give military recruiters access to their campus and students. Known as the Solomon Law, this legislation was passed to respond to efforts by several colleges and universities to protest the discriminatory policies of the Pentagon against gay men and women. Over time, the law was expanded to prohibit funding a university might receive from nearly every Federal agency.

□ 1500

H.R. 3966 would round out that list by expanding it to include the CIA and the National Nuclear Security Administration at the Department of Energy. The bill would also restate the Department of Transportation which was inadvertently deleted 2 years ago.

Now I am grateful that this law does not apply to student financial aid, but, unfortunately, it does apply to all other grants, including research grants.

Last November, a U.S. District Court in New Jersey upheld the constitutionality of the Solomon Law, but the court also determined that the Solomon Law does not give the Pentagon any basis for asserting, as it has in the regulations on implementing the Solomon Law, that universities and colleges must give military recruiters the same degree of access to campuses and students provided to other employers.

Ironically, Mr. Speaker, the Solomon Law is not about equal access at all

but about special access for the Pentagon. As the Servicemembers Legal Defense Network states, and I quote, "There is no lack of equal access for military recruiters and ROTCs on America's college campuses. Any access for an employer that fails to meet schools' nondiscrimination policies is special access. The Solomon Amendment is about giving the military a special right to discriminate in a way other employers may not."

So, Mr. Speaker, this House is being asked to use the blunt force of legislation to expand the Solomon Law to include equal treatment and scope for military recruiters who already have access to every campus and every student in the land.

It is my understanding, Mr. Speaker, that the Pentagon sent a list to the Committee on Armed Services regarding a handful of colleges and universities that the Pentagon has predetermined do not provide them with equal treatment and quality of access to students. Now, let me emphasize, these are all colleges and universities that fully comply with the existing Solomon Law. They include several of our premier academic and research universities.

And who gets to make this determination, this judgment, as to whether a college or university is in compliance with this new law? The Secretary of Defense and the Pentagon. And who gets to determine and implement the punishment? That same Secretary of Defense and the Pentagon, with no independent or neutral arbiter and no genuine right to appeal. So in these cases the Pentagon serves as prosecutor, judge, jury, and appeals court. That is not how it is supposed to work in this country, Mr. Speaker.

Until I have a better understanding as to why these colleges and universities are on some predetermined watch list from the Pentagon that could strip them of all their Federal funding and research grants, I cannot support this expansion of the Solomon Law, a law which itself is grounded in discrimination.

Now, Mr. Speaker, every Member of this House, including myself, supports the ability of our Armed Forces to encourage the best educated and best minds of our Nation to consider the military as a career, especially in these perilous times. But, Mr. Speaker, the military already has that ability. It simply does not want to accept "yes" as an answer from 100 percent of our colleges and universities regarding access to campuses and students. What the Pentagon wants is 100 percent access on their terms and their terms alone.

It is true that the military has a problem with recruitment and retention, a serious situation when our troops are stretched so thin around the globe. As the resolution says, the Armed Forces face a constant challenge in recruiting top-quality personnel. But, Mr. Speaker, perhaps if

the Pentagon truly addressed the serious issues of discrimination against women and against gays and against minorities, more of these top-quality personnel would be willing to serve.

Mr. Speaker, I want to conclude my opening statement by asking: Are there not more urgent issues to consider before Congress adjourns for spring recess? The extension of unemployment benefits genuinely is an urgent issue, increasingly a life-and-death issue for many families, and it seems to me like a far more important issue for this House to consider before we recess on Friday than the bill that is before us this morning.

As I noted earlier, at the end of this debate I will be calling for a "no" vote on the previous question so that this House can take up the urgent issue of extending unemployment benefits to the 1.1 million needy Americans whose benefits have been exhausted.

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

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

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I want to rise today to defend the thousands of people in the State of Washington who have no job and no unemployment benefits. Thousands more in our State face the same dire circumstances over the next 3 months.

The Washington State unemployment rate is the fourth worst in the United States. The United States Department of Agriculture Household Food Security Report ranks Washington as the fifth most hungry State in America. The National Law and Employment project says that at least half the people unemployed are putting off needed medical and dental treatment because they cannot pay for it. Half the personal bankruptcies in this country are the result of medical bills people cannot afford to pay.

Time and time again the Democrats have asked the Republicans to show a little compassion and extend a lifeline out to these people who are calling out for help. Republicans and the administration have a deaf ear. Again today we call on the Republicans and we urge the administration to stop pretending that economic recovery is at hand.

In the month of February, there were 21,000 jobs created in the United States. That is 400 for each State and not a single one in the private sector. All of them were government jobs. If you call that a recovery just around the corner, you have a different definition than I do. If that is recovery on the horizon, so the sun is setting on the hopes of average Americans.

No American should face alone at a time like this the problems of the unemployed. And we can change it. We

can change it. The money is there. We do not have to raise taxes or do anything. We can change it. No American should feel they have no place to turn and no one to turn to. We can change that, and no American should find the country's leaders listening but not hearing. We can change that today.

Today, we can take a real step toward economic recovery by extending unemployment benefits. America is only as strong as its will to defend its people at home against economic adversity. We need to speak out loud and clear in a voice of unshakable compassion, commitment and concern. Let us extend the unemployment benefits. We have been talking about this since December. Thousands of people have lost their jobs. They have quit looking. The numbers seem to be going down only because they have quit looking because there are three people looking for every job that is out there.

This bill is sort of directed at maybe we should keep them out there, keep them hungry, keep them desperate, and maybe they will go in the military. That is what this is about, perhaps.

The fact that we cannot deal with this issue suggests that the President, who talked about compassionate conservatism, has no idea what it is like to be without a job. If your dad can buy you a company or your father's friends can give you a baseball team, I suppose you really would not understand what it is like to be without a job.

I remember when my father was. He was an insurance man, lost his job, went out and was driving a cab. I used to go down and open the cab company at 5:30 in the morning with him. I know what it is like to see what that does to somebody and how desperately they look. But today they cannot find it. And the Republicans just sit there look at the ceiling and twiddle their thumbs.

Well, the workers in this country and the unemployed in this country are not going to twiddle their thumbs on November 2. They are going to compassionately give Mr. Bush a one-way ticket to Crawford, Texas.

Vote against this bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Right now, Oregon has 7.7 percent unemployment, the highest in the country. Since January, 2001, the State has lost over 50,000 jobs. These are hard-working men and women, not statistics. They are real people with real lives and families, and right now they are facing the prospect of not having enough money to put food on the table or enough money to pay for their medical bills if someone should get sick.

I have talked to people who are unemployed. They have sold their homes trying to live off the profit. They said, I do not know what is going to happen when this money runs out.

Unemployment benefits are supposed to be a safety net to get you from one job to the next job. They do not provide 100 percent of the person's previous salaries, but those benefits are absolutely vital for families to make ends meet. They are not out there not going to work because they want to. They are out there because they cannot find a job.

I talked to one gentleman, 52 years old, daughter in high school, and he talks about how bright his daughter is and that he would like to send her to college. He said, I cannot even pay for my mortgage. What am I going to do for my daughter?

Not only do these benefits provide a level of security for families, unemployment benefits are also stimulants for the economy. For every dollar we spend in unemployment benefits, we put \$1.73 back into the economy. That is good for business as well as people. These benefits are not used for luxury items. They are used to pay the rent, food, and utility bills.

The President talks about marriage promotion programs costing in the billions of dollars, but it is a scientific fact that poverty and homelessness directly increase the rate of divorce. Unemployment benefits, which keep families together and keep them temporarily off the streets until they find a new job, should be considered the best marriage promotion program of all, yet these benefits have been ignored by Congress and this administration.

Some have raised concerns that extending unemployment benefits would bankrupt the system. Guess what? We have \$18 billion sitting in the unemployment trust fund. That is more than enough to continue this program and extend the current benefits. These funds were paid into this unemployment compensation system for the purpose of helping dislocated workers during difficult economic times.

In short, there is not a legitimate argument towards not extending the unemployment benefits.

Again, people talk about stimulating economy. These benefits stimulate the economy. People say, well, we do not have enough money, yet we have \$18 billion sitting in that account for that purpose. People talk about promoting marriage and families. Preventing financial crisis is the number one way to keep families together.

Frankly, it is a no-brainer. I urge my colleagues to defeat the previous question so we can extend unemployment benefits for the thousands of suffering Oregonians and Americans.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise in strong support of H.R. 3966, and I want to commend the gentleman from Alabama (Mr. ROGERS) for his leadership and hard work on this issue. The rule that will bring this bill to the floor is, therefore, very important.

This bill is named the ROTC and Military Recruiter Equal Access to Campus Act of 2004, but it might just as well as be called the Harvard Act, because it squarely addresses the scandal of Harvard University and other schools' banishing ROTC and military recruiters from campus while turning around and cashing Uncle Sam's checks for billions of dollars each year from the Department of Defense and other Federal agencies that are fighting the global war on terror.

The attacks on America, on the World Trade Center, and on the Pentagon should serve as a wake-up call to schools such as Harvard which banished ROTC from campus 35 years ago.

□ 1515

As our Nation wages an aggressive campaign to stop global terrorism, President Kennedy's call to young people to ask what you can do for your country is more important than ever. America's Armed Forces are hunting down al Qaeda and other supporters of terrorism in Afghanistan, in Iraq, and on every continent around the globe. Never in recent history have Americans asked more of members of the Armed Forces, and never have we had a greater need for well-educated leaders in our military.

Today, successful recruitment of exceptional officers depends heavily on the Reserve Officers' Training Corps. This past year, for instance, 70 percent of the Army's newly commissioned officers came from ROTC. Through ROTC, students receive generous scholarship assistance in return for agreeing to serve their country following graduation. As chairman of the Select Committee on Homeland Security, I have been gratified and humbled to see how many of the best and brightest in America have been willing to enlist in the fight against terrorism both through ROTC and by choosing the armed services as a career upon their graduation. Yet I am very troubled that a number of America's most prestigious colleges and universities, including Harvard, Yale, Stanford and Columbia, continue to officially ban ROTC from campus. Many of these same schools deny students the opportunity to interview on-campus with military recruiters. These policies have been successful in discouraging young adults from choosing a career in the military.

The legislation before us today makes several important reforms to protect taxpayers, to protect students' freedom of choice and to protect our armed services from discrimination. The premise of the bill is a simple one: colleges that discriminate against the United States armed services should not receive United States taxpayer funds related to national defense and homeland security.

Specifically, H.R. 3966 makes three major reforms. First, it will stop the current abusive practice under which schools ban ROTC and military recruit-

ing, but then turn around and cash enormous checks from the Department of Defense, the Department of Homeland Security, and other Federal agencies fighting the war on terror. For example, the Homeland Security Act created several new science and technology research programs for which colleges and universities are eligible. This law will say that these funds should not go to schools that discriminate against ROTC or military recruiters.

Second, this legislation will require schools that accept national security and homeland security funds to certify that they do not discriminate against ROTC and that they do permit on-campus ROTC programs if requested by the Department of Defense. Current law, which already requires schools accepting defense funds to accommodate on-campus ROTC programs if requested by the Department of Defense, is not enforced against elite schools such as Harvard, Yale, Stanford, Columbia and others that have banned ROTC on campus. This bill will change that.

Third, this legislation will ensure that schools accepting national security and homeland security funding provide access to military recruiters that is "equal in quality and scope" to the access provided to other campus recruiters. At Harvard, even military recruiters who are themselves Harvard graduates are not permitted to meet students on campus like other employers. A Harvard grad that has stained himself in the view of the faculty by participating in the U.S. military cannot visit campus and cannot stuff mailboxes, even though virtually every other group and every other employer is permitted to do so.

On the Harvard campus in Memorial Church, the names of Harvard alums who died in service to this country are inscribed on the wall and there is this inscription by former Harvard President Lawrence Lowell:

"While a bright future beckoned, they freely gave their lives and fondest hopes for us and our allies, that we might learn from them courage in peace to spend our lives making a better world for others."

Today, as our Nation calls for able new leaders in the war on terror, will Harvard and our Nation's other elite universities step forward and live up to that legacy? It has been a long time since 1969 and Vietnam, John Kerry notwithstanding, when Harvard's faculty, of which I am a former member, banished ROTC. It has been 2½ short years since our Nation was attacked by terrorists who still make war on our Nation. It is time for universities that accept national security and homeland security funding to support and encourage, not undermine, this Nation's call to service. That is the message of H.R. 3966.

I urge my colleagues to join with me in supporting this important legislation and the rule that will bring it to the floor.

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

I would just simply say to the gentleman that Harvard does have an ROTC unit. One thing I suggested in my opening remarks, and I would suggest it again, is that probably the best way to kind of put this controversy to rest is for the military to deal with some of the discriminatory practices that currently exist. Some of these colleges have nondiscrimination policies that, quite frankly, conflict with some of the blatantly discriminatory policies that we now see happening in the Pentagon. I would simply say to the gentleman that maybe a way to resolve this, we can also deal with some of the underlying issues that continue to exist.

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

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. COX. It is true that there are a handful of brave students at Harvard that are ROTC scholars, and it is true that Harvard is happy to cash their scholarship checks; but Harvard refuses to permit the ROTC program on campus and, therefore, the students have to go down the road to MIT, which will accept them as the gentleman knows. As a result, the discrimination against Harvard students is very real. Furthermore, as the Wall Street Journal has outlined, not on their editorial page but in news articles, there is on campus a very hostile attitude toward students in uniform. That needs to be changed.

Mr. MCGOVERN. I appreciate the gentleman's answer. I would also say to my colleagues on the other side of the aisle, when we talk about the importance of people standing up to their responsibilities during this difficult time, I hope that there will be equal passion that will be brought to demanding that some of these Benedict Arnold companies that, quite frankly, take U.S. tax dollars and are engaged in contracts involving the reconstruction of Iraq and they do not pay U.S. taxes, I hope that there will be some accountability there.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend from Massachusetts for yielding me this time.

Mr. Speaker, I do not object to this rule; but I do strongly object to congressional inaction on an issue of daily importance to millions of Americans, that is, the extension of unemployment benefits for workers who have lost their jobs through no fault of their own. Federal Reserve Chairman Alan Greenspan said earlier this month, "I think considering the possibility of extending unemployment benefits is not a bad idea in times like this."

Congress allowed the temporary extended unemployment compensation program to expire at the end of last year despite a tremendous need for

these extended benefits. Many of us have been trying to extend the program ever since, but the Republican leadership in Congress has continually blocked those attempts. This obstructionism has occurred even though majorities in both the House and the Senate have voted to extend unemployment benefits. This obstructionism has gone on despite the fact that the average duration of unemployment has reached its highest level in over 20 years. This obstructionism continues even after we have heard our economy had a zero private sector growth in jobs last month. This obstructionism blocks action even as more than 1 million Americans have run out of unemployment benefits without finding work in just the last 3 months. And this obstructionism continues even after the Secretary of the Treasury indicated the President is finally willing to say he would sign an unemployment extension bill if it is sent to his desk.

Mr. Speaker, enough is enough. Congress needs to act to help the unemployed as it has during every other time when jobs were scarce. If the previous question is defeated on this rule, the next order of business before the House will be the consideration of an unemployment extension. More specifically, the House would debate a 6-month extension of the expired temporary extended unemployment compensation program. This extension would help nearly 3 million jobless workers pay their mortgages, put food on the table, and deal with these very difficult economic times.

I, therefore, strongly urge my colleagues to defeat the previous question so that we can provide the necessary assistance to those who are unemployed and cannot find employment.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I had not planned to come to the floor and debate this resolution. This resolution actually deals with the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officers' Training Corps units at institutions of higher learning. That is the subject of this particular measure. This is the rule, or the resolution, by which we consider that particular bill.

The other side of the aisle, unfortunately, is using this as an opportunity to bash our side of the aisle and also the administration. They are also using it as a vehicle to try to attach a nongermane amendment dealing with extension of unemployment benefits. It may well be necessary to do that, but let me say that I have heard some of the comments that have been made. I disagree with those comments. I come from the business sector. If we want to see jobs created and opportunities for people, we do not want to leave one option and that is extended unemploy-

ment benefits. I know the other side is well intended here. But if the other side is truly well intended, they need to take some time and look at pending legislation and proposals that would create jobs. Maybe some on the other side have not had enough familiarity with what a businessperson goes through today. Litigation, taxation, and government regulation are job suppressers in this economy. I challenge the other side, instead of offering a handout or an extended unemployment check, to offer a job and pass some of the legislation that is pending.

If you are going into business today, you take a great chance. I am glad I am out of the business world, because you are sued at every turn. If you want to see why jobs are going overseas, it is because of litigation. We do not even produce in this country anymore a ladder. There are no ladders produced in the United States because people would be sued to where they cannot afford to produce or manufacture in the United States, so they take those jobs and opportunity overseas.

If you are compassionate about people, do not give them just one option. They want a good-paying job, and they want to be able to compete in a global market. Try to go open a business, and I challenge Members of Congress to get back in business. Some of them should return to the private sector and see what it is like. I am so pleased that my wife and I, we are approaching April 15, that we do not have to fill out the mounds of forms and tax returns and comply with all the regulations. And health care, give some options in health care. Talk to a small businessperson. That is where jobs are in this country. Jobs are with small business in this country. They create more than all the big corporations. But you ask a small businessperson if he is going to expand jobs and he will say, it is very difficult. His taxes are high. In fact, taxes on business in the United States are the highest in almost any nation in the world. So would you go overseas, or would you create jobs here in the United States? You cannot afford to have health care.

I challenge the Members. Look at your pay stubs. There is \$2,700 going out for health care. That is our part of the equation. The total cost is \$9,000, \$10,000 a person. How would a small businessperson deal with that for health insurance for themselves or to create jobs? So here we have presented today, they are taking time from another piece of legislation, one option, a handout, a check which people may need, that is true, but they want a good-paying job.

□ 1530

So stop blocking legislation like Head Start that will give our young people some quality in a very expensive program to our neediest students who go on to become failures in our

schools and in our system. Stop blocking job-training programs and initiatives by the President, because everyone is not going to college, community colleges, where we need to train people for changing jobs in technology opportunities that we are missing and helping small business, not hurting small business to create jobs so we can have people working in the future. So I urge the passage of the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I do want to talk about the pending legislation, so I do not have time to comment on all the odd things that the previous speaker talked about, but a couple must be mentioned.

This assertion that we in the minority are blocking legislation has to be one of the most bizarre misrepresentations of the actual situation I have ever heard. We have no control over the agenda. We are not blocking anything. I wish we could block some of the stuff that has happened.

But this challenge to us to stop blocking Head Start, I have looked all over. I could not find Head Start laying anywhere here. We have not hidden it under our chairs. We are not blocking Head Start.

Job training, stop blocking job training. Job training is not being held hostage in the Democratic cloakroom. All of the scheduling is up to the majority.

So this arm-waving about stop blocking things when the majority is entirely in control does not make a great deal of sense.

I, on the other hand, did appreciate the honesty of the gentleman when he sneeringly referred to unemployment compensation as a handout. He said, if people are in business, they understand that that is not the way to go.

I had thought Secretary Snow, the Secretary of Treasury appointed by the President, former head of CSX, had some business experience. I was pleased last week when he supported the extension of unemployment benefits. Yes, we should do more about job creation, but there are people who are not going to get those jobs over the next few months who have been on extended unemployment. The refusal to extend unemployment compensation, and it is not the administration we are criticizing here, it is the majority in this House, because they are the ones who will not do it, over the objection of us, the refusal to extend unemployment compensation causes real injury to working families. And then when the gentleman says that is just a handout, he literally adds insult to injury.

But now I want to talk about this pending legislation. It is not aimed at providing more people for the military. There is not an argument that they do not have enough people in the Officers Club. There is not an argument that there are not enough ROTCs around to service the military. That is not this legislation's purpose.

This legislation is to punish those institutions which have said, as a matter of principle, we do not want them recruiting on their campus unless everybody is eligible. We do not want them restricting on irrelevant grounds people because of their race or their religion or their gender or their sexual orientation.

As long as the military says that gay and lesbian people are not suitable to serve, although, as we have seen now, during wartime they stopped throwing people out quite as much because it turns out gay and lesbian military people, as we know, are quite capable of doing the job and when they are needed, they are kept on. But the purpose of this is to penalize those principled institutions that say we dislike this discrimination.

Indeed, this legislation helps restrict the number of people who join the military. We have a shortage of people who speak Arabic working for the United States in the military and elsewhere. About 1½ or 2 years ago, seven members of the military who were doing very well learning Arabic were kicked out because they were discovered to be gay or lesbian.

So with your policy of "don't ask, don't tell and, by God, don't translate" because somehow they will undermine the security of this country, you are restricting the entry into the military of qualified people. And this legislation does not expand the pool of people. It is in the service of a policy that unduly and unwisely and unnecessarily restricts the access, and it does it in a punitive way.

It could be changed. For example, it says, well, wait a minute, if we are going to take money for national security, then they cannot stand up for their principle of nondiscrimination. When did the Department of Transportation get involved there? I am all for public transportation. I had not thought it was a matter of national security.

This legislation also says, the gentleman from California alluded to, a situation where students at Harvard have to go to MIT, and he said that is inappropriate. On Page 6 of the bill, it says that if the Secretary of the Military Department refuses to allow an ROTC in a particular school, he can authorize or she can authorize those students to go elsewhere. Why is that compromise not good enough for the school? This bill calls for the use of a system the gentleman from California said was discriminatory.

I want to just repeat the main point, because no one really believes and the military has not said, oh, we are being so hindered by these recruitment restrictions that we cannot get enough people. This is to penalize those institutions that are just standing up particularly for the principle of nondiscrimination and particularly for the principle that qualified members of their university communities ought not to be discriminated against and

punishing them to reinforce an unfair policy hurts the military. It does not help it.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, we are asking that the previous question be defeated and that we be allowed to bring up unemployment compensation to extend it; and here is the reason:

I am glad we are debating this because the gentleman from Florida, by his discussion, has exposed exactly what is the thinking of the majority in this House.

Last Friday, I met a fellow, 55, an electrician, working for more than 30 years. He told me he was going to take his retirement, his pension, from the Electrical Workers Union. He was going to do so even though he lost a level of benefits. And I said why?

He said, because I have only 2 weeks of unemployment compensation left and if I do not take early retirement, I am going to lose my house.

And you on the majority side call unemployment compensation a handout? It is part of the employment structure of this country because with employment sometimes comes unemployment.

And you say get a job? You in the majority, who have been in the majority in this city, in the Senate, and occupying the White House, under whose dominion three million jobs have been lost, tell this fellow, and there are hundreds of thousands of men and women like him, get a job? That is an insult to the working people of this country.

So we are bringing this up because you will not bring this bill up for a straight "yes" or "no" vote. If you brought it up, you know we would carry our position.

The gentleman from Massachusetts (Mr. FRANK) has mentioned it was said by Mr. Snow, the Secretary, that the President would sign an extension when there are \$18, \$19 billion in funds set-aside for this purpose. We do not want a President to passively say he will sign it. We want some leadership from the President of the United States for the millions of people who are unemployed and the hundreds of thousands of people who exhaust their benefits every month. Defeat the previous question.

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

Mr. Speaker, I will urge a "no" vote on the previous question; and if the previous question is defeated, I will offer an amendment to the rule which will provide that, immediately after the House passes H.R. 3966, it will take up legislation to extend Federal unemployment benefits to the end of September of this year.

Mr. Speaker, last week during testimony before the House Committee on

Financial Services, the Secretary of the Treasury said the President would sign legislation to extend Federal unemployment if it reached his desk. The bill that I will attempt to make in order would give the President that opportunity. It is a simple extension of the current program through September 30, nothing more, nothing less. If the President is willing to sign this badly needed bill, then we should get it to him immediately; and if we defeat the previous question, we can get the process started right away.

From late December through the end of March, an estimated 1.1 million jobless workers will have exhausted their regular unemployment benefits without receiving additional aid. This is the largest number of exhaustees in over 30 years. This figure will continue to grow, with 80,000 more jobless workers exhausting their regular benefits and going without any additional aid each week. Despite this, the Republican leadership in this House refuses to extend this program.

Mr. Speaker, today's unemployment numbers are devastating. With no private sector jobs created last month and only 21,000 jobs created overall, all of them public sector or government jobs, unemployed Americans today are facing insurmountable odds. Today, 8.2 million Americans are unemployed, and 3 million private sector jobs have been lost since President Bush took office. On top of the millions of unemployed, there are 4.4 million people who are working part time, which is an increase of 33 percent since the beginning of this administration. The average length of unemployment hovers at the highest level in almost 20 years; and, worst of all, Mr. Speaker, there is no relief in sight. Yet this Congress cannot seem to find a will or the time to extend unemployment benefits to those workers who have exhausted their benefits but still cannot find work.

What are their families supposed to do, Mr. Speaker? Where will the money come from to pay the rent or the mortgage, to buy medicine, food, or gas for the car? Does this House simply not care about these families and their children?

Mr. Speaker, the extension of unemployment benefits is an urgent issue for many families; and it seems to me like a far more important issue for this House to consider than the bill that we are considering right at this point. Let me be very clear that a "no" vote on the previous question will not stop consideration of H.R. 3966. But a "no" vote will allow the House to vote on legislation to help provide some much-needed relief to our Nation's unemployed workers, many of whom have not had a paycheck for months. However, a "yes" vote on the previous question will prevent the House from passing this desperately needed extension of Federal unemployment benefits to our jobless workers.

Mr. Speaker, let us show the American people that we get it, that we un-

derstand what the real problems are facing the people of this country and that this House deliberates on issues that really matter, that make a difference to people's lives.

So vote "no" on the previous question and vote to extend unemployment benefits.

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

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

I would just like to note, Mr. Speaker, that Albania is a country that is a NATO aspirant and Albania's Prime Minister Fatos Nano is visiting Washington today.

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

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

These votes will be followed by 5-minute votes on House Resolution 558 and S. 2057 under suspension of the rules.

The vote was taken by electronic device, and there were—yeas 223, nays 202, not voting 8, as follows:

[Roll No. 98]

YEAS—223

Aderholt	Capito	Garrett (NJ)
Akin	Carter	Gerlach
Bachus	Castle	Gibbons
Baker	Chabot	Gilchrest
Balenger	Chocola	Gillmor
Barrett (SC)	Coble	Gingrey
Bartlett (MD)	Cole	Goode
Barton (TX)	Collins	Goodlatte
Bass	Cox	Goss
Beauprez	Crane	Granger
Bereuter	Crenshaw	Graves
Biggert	Cubin	Green (WI)
Bilirakis	Cunningham	Greenwood
Bishop (UT)	Davis, Jo Ann	Gutknecht
Blackburn	Davis, Tom	Hall
Blunt	Deal (GA)	Harris
Boehlert	DeLay	Hart
Boehner	Diaz-Balart, L.	Hastings (WA)
Bonilla	Diaz-Balart, M.	Hayes
Bonner	Doolittle	Hayworth
Bono	Dreier	Hefley
Boozman	Duncan	Hensarling
Bradley (NH)	Dunn	Herber
Brady (TX)	Ehlers	Hobson
Brown (SC)	Emerson	Hoekstra
Brown-Waite,	English	Hostettler
Ginny	Everett	Houghton
Burgess	Feeny	Hunter
Burns	Ferguson	Hyde
Burr	Flake	Isakson
Burton (IN)	Foley	Issa
Buyer	Forbes	Istook
Calvert	Fossella	Jenkins
Camp	Franks (AZ)	Johnson (CT)
Cannon	Frelinghuysen	Johnson (IL)
Cantor	Gallegly	Johnson, Sam

Jones (NC)	Nunes	Shaw
Keller	Nussle	Shays
Kelly	Osborne	Sherwood
Kennedy (MN)	Ose	Shimkus
King (IA)	Otter	Shuster
King (NY)	Oxley	Simmons
Kingston	Paul	Simpson
Kirk	Pearce	Smith (MI)
Kline	Pence	Smith (NJ)
Knollenberg	Peterson (PA)	Smith (TX)
Kolbe	Petri	Souder
LaHood	Pickering	Stearns
Latham	Pitts	Sullivan
LaTourette	Platts	Sweeney
Leach	Pombo	Tancredo
Lewis (CA)	Porter	Taylor (NC)
Lewis (KY)	Portman	Terry
Linder	Pryce (OH)	Thomas
LoBiondo	Putnam	Thornberry
Lucas (OK)	Quinn	Tiahrt
Manzullo	Radanovich	Tiberi
McCotter	Ramstad	Toomey
McCrery	Regula	Turner (OH)
McHugh	Rehberg	Upton
McInnis	Renzi	Vitter
McKeon	Reynolds	Walden (OR)
Mica	Rogers (AL)	Walsh
Miller (FL)	Rogers (KY)	Wamp
Miller (MI)	Rogers (MI)	Weldon
Miller, Gary	Rohrabacher	Weldon (PA)
Moran (KS)	Ros-Lehtinen	Weller
Murphy	Royce	Whitfield
Musgrave	Ryan (WI)	Wicker
Myrick	Ryun (KS)	Wilson (NC)
Nethercutt	Saxton	Wilson (SC)
Neugebauer	Schrock	Wolf
Ney	Sensenbrenner	Young (AK)
Northup	Sessions	Young (FL)
Norwood	Shadegg	

NAYS—202

Abercrombie	Etheridge	Matsui
Ackerman	Evans	McCarthy (MO)
Alexander	Farr	McCarthy (NY)
Allen	Fattah	McCollum
Andrews	Filner	McDermott
Baca	Ford	McGovern
Baird	Frank (MA)	McIntyre
Baldwin	Frost	McNulty
Ballance	Gonzalez	Meehan
Becerra	Gordon	Meek (FL)
Bell	Green (TX)	Meeks (NY)
Berkley	Grijalva	Menendez
Berman	Gutierrez	Michaud
Berry	Harman	Millender-
Bishop (GA)	Hastings (FL)	McDonald
Bishop (NY)	Hill	Miller (NC)
Blumenauer	Hinchey	Miller, George
Boswell	Hinojosa	Mollohan
Boucher	Hoeffel	Moore
Boyd	Holden	Moran (VA)
Brady (PA)	Holt	Murtha
Brown (OH)	Honda	Nadler
Brown, Corrine	Hoolley (OR)	Napolitano
Capps	Hoyer	Neal (MA)
Capuano	Inslee	Oberstar
Cardin	Israel	Obey
Cardoza	Jackson (IL)	Olver
Carson (IN)	Jackson-Lee	Ortiz
Carson (OK)	(TX)	Owens
Case	Jefferson	Pallone
Chandler	John	Pascarell
Clay	Johnson, E. B.	Pastor
Clyburn	Kanjorski	Payne
Conyers	Kaptur	Pelosi
Cooper	Kennedy (RI)	Peterson (MN)
Costello	Kildee	Pomeroy
Cramer	Kilpatrick	Price (NC)
Crowley	Kind	Rahall
Cummings	Kleczka	Rangel
Davis (AL)	Kucinich	Reyes
Davis (CA)	Lampson	Rodriguez
Davis (FL)	Langevin	Ross
Davis (IL)	Lantos	Rothman
Davis (TN)	Larsen (WA)	Roybal-Allard
DeFazio	Larson (CT)	Ruppersberger
DeGette	Lee	Rush
Delahunt	Levin	Ryan (OH)
DeLauro	Lewis (GA)	Sabo
Deutsch	Lipinski	Sánchez, Linda
Dicks	Lofgren	T.
Dingell	Lowey	Sanchez, Loretta
Doggett	Lucas (KY)	Sanders
Dooley (CA)	Lynch	Sandlin
Doyle	Majette	Schakowsky
Edwards	Maloney	Schiff
Emanuel	Markey	Scott (GA)
Engel	Marshall	Scott (VA)
Eshoo	Matheson	Sherman

Skelton Taylor (MS) Waters
 Slaughter Thompson (CA) Watson
 Smith (WA) Thompson (MS) Watt
 Snyder Tierney Waxman
 Solis Towns Weiner
 Spratt Turner (TX) Wexler
 Stark Udall (CO) Woolsey
 Stenholm Udall (NM) Wu
 Strickland Van Hollen Wynn
 Stupak Velázquez
 Tauscher Viscolsky

NOT VOTING—8

Culberson Hulshof Tanner
 DeMint Jones (OH) Tauzin
 Gephardt Serrano

□ 1608

Mr. MURTHA and Mr. RUPPERSBERGER changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the resolution.

The resolution was agreed to. A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on two motions to suspend the rules previously postponed.

Votes will be taken in the following order: House Resolution 558 and S. 2057. These electronic votes will be conducted as 5-minute votes.

Votes postponed on H.R. 3104 and H. Con. Res. 386 will be taken later today.

WELCOMING THE ACCESSION OF BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA AND SLOVENIA TO THE NORTH ATLANTIC TREATY ORGANIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 558, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the resolution, H. Res. 558, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 422, nays 2, not voting 9, as follows:

[Roll No. 99]
 YEAS—422

Abercrombie Baldwin Berman
 Ackerman Ballance Berry
 Aderholt Ballenger Biggert
 Akin Barrett (SC) Bilirakis
 Alexander Barton (TX) Bishop (GA)
 Allen Bass Bishop (NY)
 Andrews Beaprez Bishop (UT)
 Baca Becerra Blackburn
 Bachus Bell Blumenauer
 Baird Bereuter Blunt
 Baker Berkley Boehlert

Boehner Franks (AZ) LoBiondo
 Bonilla Frelinghuysen Lofgren
 Bonner Frost Lowey
 Bono Gallegly Lucas (KY)
 Boozman Garrett (NJ) Lucas (OK)
 Boswell Gerlach Lynch
 Boucher Gibbons Majette
 Boyd Gilchrest Maloney
 Bradley (NH) Gillmor Manzullo
 Brady (PA) Gingrey Markey
 Brady (TX) Gonzalez Marshall
 Brown (OH) Goode Matheson
 Brown (SC) Goodlatte Matsui
 Brown, Corrine Gordon McCarthy (MO)
 Brown-Waite, Goss McCarthy (NY)
 Ginny McCollum
 Burgess McCotter
 Burns Green (TX) McCrery
 Burr Green (WI) McDermott
 Burton (IN) Greenwood McGovern
 Buyer Grijalva McHugh
 Calvert Gutierrez McInnis
 Camp Gutknecht McIntyre
 Cannon Hall McKeon
 Cantor Harman McNulty
 Capito Harris Meehan
 Capps Hart Meek (FL)
 Capuano Hastings (FL) Meeks (NY)
 Cardin Hastings (WA) Menendez
 Cardoza Hayes Mica
 Carson (IN) Hayworth Michaud
 Carson (OK) Hefley Millender-
 Case Hensarling McDonald
 Castle Herger Miller (FL)
 Chabot Hill Miller (MI)
 Chandler Hinchey Miller (NC)
 Chocola Hinojosa Miller, Gary
 Clay Hobson Miller, George
 Clyburn Hoeffel Mollohan
 Coble Hoekstra Moore
 Cole Holden Moran (KS)
 Collins Holt Moran (VA)
 Conyers Honda Murphy
 Cooper Hooley (OR) Murtha
 Costello Hostettler Musgrave
 Cox Houghton Myrick
 Cramer Hoyer Nadler
 Crane Hunter Napolitano
 Crenshaw Hyde Neal (MA)
 Crowley Inslee Nethercutt
 Cubin Isakson Neugebauer
 Cummings Israel Ney
 Cunningham Issa Northup
 Davis (AL) Istook Norwood
 Davis (CA) Jackson (IL) Nunes
 Davis (FL) Jackson-Lee Oberstar
 Davis (IL) (TX) Obey
 Davis (TN) Jefferson Olver
 Davis, Jo Ann Jenkins Ortiz
 Davis, Tom John Osborne
 Deal (GA) Johnson (CT) Ose
 DeFazio Johnson (IL) Otter
 DeGette Johnson, E. B. Owens
 Delahunt Johnson, Sam Oxley
 DeLauro Jones (NC) Pallone
 DeLay Kanjorski Pascrell
 Deutsch Kaptur Pastor
 Diaz-Balart, L. Keller Payne
 Diaz-Balart, M. Kelly Pearce
 Dicks Kennedy (MN) Pelosi
 Dingell Kennedy (RI) Pence
 Doggett Kildee Peterson (MN)
 Dooley (CA) Kilpatrick Peterson (PA)
 Doolittle Kind Petri
 Doyle King (IA) Pickering
 Dreier King (NY) Pitts
 Duncan Kingston Platts
 Dunn Kirk Pombo
 Edwards Kleczka Pomeroy
 Ehlers Kline Porter
 Emanuel Knollenberg Portman
 Emerson Kolbe Price (NC)
 Engel Kucinich Pryce (OH)
 English LaHood Putnam
 Eshoo Lampson Quinn
 Etheridge Langevin Radanovich
 Evans Lantos Rahall
 Everett Larsen (WA) Ramstad
 Farr Larson (CT) Rangel
 Fattah Latham Regula
 Feeney LaTourrette Rehberg
 Ferguson Leach Renzi
 Filner Lee Reyes
 Flake Levin Reynolds
 Foley Lewis (CA) Rodriguez
 Forbes Lewis (GA) Rogers (AL)
 Ford Lewis (KY) Rogers (KY)
 Fossella Linder Rogers (MI)
 Frank (MA) Lipinski

Rohrabacher Simmons Towns
 Ros-Lehtinen Simpson Turner (OH)
 Ross Skelton Turner (TX)
 Rothman Slaughter Udall (CO)
 Roybal-Allard Smith (MI) Udall (NM)
 Royce Smith (NJ) Upton
 Ruppertsberger Smith (TX) Van Hollen
 Rush Smith (WA) Velázquez
 Ryan (OH) Snyder Visclosky
 Ryan (WI) Solis Vitter
 Ryun (KS) Souder Walden (OR)
 Sabo Spratt Walsh
 Sánchez, Linda Stark Wamp
 T. Stearns Waters
 Sánchez, Loretta Stenholm Watson
 Sanders Strickland Watt
 Sandlin Stupak Waxman
 Saxton Sullivan Weiner
 Schakowsky Sweeney Weldon (FL)
 Schiff Tancredo Weldon (PA)
 Schrock Tauscher Weller
 Scott (GA) Taylor (MS) Wexler
 Scott (VA) Taylor (NC) Whitfield
 Sensenbrenner Terry Wicker
 Sessions Thomas Wilson (NM)
 Shadegg Thompson (CA) Wilson (SC)
 Shaw Thompson (MS) Wolf
 Shays Thornberry Woolsey
 Sherman Tiahrt Wu
 Sherwood Tiberi Wynn
 Shimkus Tierney Young (AK)
 Shuster Toomey Young (FL)

NAYS—2

Bartlett (MD) Paul

NOT VOTING—9

Carter Gephardt Serrano
 Culberson Hulshof Tanner
 DeMint Jones (OH) Tauzin

□ 1618

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REIMBURSING MEMBERS OF UNITED STATES ARMED FORCES FOR CERTAIN TRANSPORTATION EXPENSES

The SPEAKER pro tempore (Mr. ADERHOLT). The pending business is the question of suspending the rules and passing the Senate bill, S. 2057.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and pass the Senate bill, S. 2057, on which the yeas and nays are ordered.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 100]
 YEAS—423

Abercrombie Ballenger Bilirakis
 Ackerman Barrett (SC) Bishop (GA)
 Aderholt Bartlett (MD) Bishop (NY)
 Akin Barton (TX) Bishop (UT)
 Alexander Bass Blackburn
 Allen Beaprez Blumenauer
 Andrews Becerra Blunt
 Baca Bell Boehlert
 Bachus Bereuter Boehner
 Baird Berkley Bonilla
 Baker Berman Bonner
 Baldwin Berry Bono
 Ballance Biggert Boozman

Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilcrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchev
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hoolley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette

Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCreery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
 McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce

Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda
 T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Huster
Simmons
Simpson
Skelton
Slaughter

Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)

Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

SEC. 2. FINDINGS.

Congress makes the following findings:
(1) The Reserve Officers Training Corps (ROTC) program is the most common path for undergraduates to become United States military officers.

(2) The inclusion of both public and private undergraduate institutions in the ROTC program insures a more racially, ethnically, and socially diverse pool for leadership in the higher ranks of the Armed Forces.

(3) The majority of both minority officers and female officers in the Armed Forces are acquired through undergraduate ROTC programs.

(4) The presence of ROTC programs on college campuses benefits even those students who are not enrolled by making them aware of the presence and role of the United States military.

(5) Land-grant colleges received land from the United States on the condition that they offer some military instruction in addition to their regular curriculum, forming the basis for the Nation's tradition of college and university acceptance of responsibility to contribute to the Nation's readiness.

(6) The Armed Forces face a constant challenge in recruiting top-quality personnel that ROTC programs are ideally suited to meet.

(7) Military recruiters should have access to college campuses and to college students equal in quality and scope to that provided all other employers.

(8) If any college or university discriminates against ROTC programs or military recruiters, then under current law that college or university becomes ineligible for certain Federal taxpayer support, especially funding for many military and defense programs.

(9) The personnel and programs of the Department of Homeland Security and the Department of Energy are mutually dependent upon a high caliber of well-educated, professional leadership in the Armed Forces in order to protect the people and territory of the United States.

(10) In order to more fully promote the ability of the Nation's Armed Forces to recruit on college campuses and to facilitate the ability of students to participate in ROTC programs on campus, the laws to prevent discrimination against ROTC and military recruiters should be updated.

SEC. 3. PROHIBITION ON PROVISION OF HOMELAND SECURITY-RELATED FUNDING TO POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING ON CAMPUS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

“TITLE XVIII—ADDITIONAL PROVISIONS

“SEC. 1801. PROHIBITION OF FUNDS BEING PROVIDED TO INSTITUTIONS OF HIGHER EDUCATION THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING ON CAMPUS.

“No funds made available for the Department may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) that, by reason of a determination by the Secretary of Defense under subsection (a) or (b) of section 983 of title 10, United States Code, is ineligible for the receipt of a contract or grant from funds specified in subsection (d) of that section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new items:

NOT VOTING—10

Cardoza
Chocola
Conyers
Culberson

DeMint
Gephardt
Hulshof
Jones (OH)

Tanner
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1627

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROTC AND MILITARY RECRUITER EQUAL ACCESS TO CAMPUS ACT OF 2004

Mr. ROGERS of Alabama. Mr. Speaker, pursuant to House Resolution 580, I call up the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officers Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer, and ask for its immediate consideration.

The Clerk read the title of the bill.
The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 580, the bill is considered read for amendment.

The text of H.R. 3966 is as follows:

H.R. 3966

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 “ROTC and Military Recruiter Equal Access to Campus Act of 2004”.

“TITLE XVIII—ADDITIONAL PROVISIONS
 “1801. Prohibition of funds being provided to institutions of higher education that prevent ROTC access or military recruiting on campus.”

SEC. 4. CERTIFICATION OF COMPLIANCE WITH ROTC ACCESS PROVISIONS.

Subsection (a) of section 983 of title 10, United States Code, is amended—

- (1) by inserting “(1)” before “No funds”;
- (2) by striking “prevents—” and inserting “prevents, either (or both) of the following:”;
- (3) by striking “(1) the” and inserting “(A) The”;
- (4) by striking “; or” and inserting a period;
- (5) by striking “(2) a” and inserting “(B) A”; and

(6) by adding at the end the following:
 “(2)(A) Not later than 180 days after the date of the enactment of the ROTC and Military Recruiter Equal Access to Campus Act of 2004 and annually thereafter, the Secretary of Defense shall request from each institution of higher education that has students participating in a Senior Reserve Officer Training Corps program during the then-current academic year of that institution a certification that such institution, during the next academic year of the institution, will—

“(i) permit the Secretary of each military department to maintain a unit of the Senior Officer Training Corps (in accordance with subsection (a)) at that institution (or any subelement of that institution), should such Secretary elect to maintain such a unit; and
 “(ii) if the Secretary of the military department concerned elects not to establish or maintain a unit of the Senior Reserve Officer Training Corps at that institution, permit a student of that institution (or any subelement of that institution) to enroll in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

“(B) Any certification under subparagraph (A) shall be made by the president of the institution (or equivalent highest ranking administrative official) and shall be submitted to the Secretary of Defense no later than 90 days after receipt of the request from the Secretary.

“(C) In the case of any institution from which a certification is requested under subparagraph (A), if the Secretary of Defense does not receive a certification in accordance with subparagraph (B), or if the certification does not state that the university will comply with both clauses (i) and (ii) of subparagraph (A) during its next academic year, the Secretary shall make a determination under paragraph (1) as to whether the institution has a policy or practice described in that paragraph.”

SEC. 5. EQUAL TREATMENT OF MILITARY RECRUITERS WITH OTHER RECRUITERS.

Subsection (b)(1) of section 983 of title 10, United States Code, is amended—

- (1) by striking “entry to campuses” and inserting “access to campuses”;
- (2) by inserting before the semicolon at the end the following: “in a manner that is at least equal in quality and scope to the degree of access to campuses and to students that is provided to any other employer”.

SEC. 6. PROHIBITION OF FUNDING FOR POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING.

(a) COVERED FUNDS.—Subsection (d) of section 983 of title 10, United States Code, is amended—

- (1) in paragraph (1)—
 (A) by striking “limitation established in subsection (a) applies” and inserting “limi-

tations established in subsections (a) and (b) apply”;

(B) in subparagraph (B), by inserting “for any department or agency for which regular appropriations are made” after “made available”; and

(C) by adding at the end the following new subparagraphs:

“(C) Any funds made available for the Department of Homeland Security.

“(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

“(E) Any funds made available for the Department of Transportation.

“(F) Any funds made available for the Central Intelligence Agency.”;

(2) by striking paragraph (2).
 (b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking “subsection (d)(2)” and inserting “subsection (d)(1)”.

(2) Subsection (e) of such section is amended by inserting “, to the head of each other department and agency the funds of which are subject to the determination,” after “Secretary of Education”.

SEC. 7. EXCLUSION OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.

(a) CODIFICATION AND EXTENSION OF EXCLUSION.—Subsection (d) of section 983 of title 10, United States Code, as amended by section 6(a), is further amended—

(1) by striking “The” after “(1)” and inserting “Except as provided in paragraph (2), the”;

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

“(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.”.

(b) CONFORMING AMENDMENTS.—Subsections (a) and (b) of such section are amended by striking “(including a grant of funds to be available for student aid)”.

(c) CONFORMING REPEAL OF CODIFIED PROVISION.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 10 U.S.C. 983 note), is repealed.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3966

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 “ROTC and Military Recruiter Equal Access to Campus Act of 2004”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) *The Reserve Officers Training Corps (ROTC) program is the most common path for undergraduates to become United States military officers.*

(2) *The inclusion of both public and private undergraduate institutions in the ROTC program insures a more racially, ethnically, and socially diverse pool for leadership in the higher ranks of the Armed Forces.*

(3) *The majority of both minority officers and female officers in the Armed Forces are acquired through undergraduate ROTC programs.*

(4) *The presence of ROTC programs on college campuses benefits even those students who are not enrolled by making them aware of the presence and role of the United States military.*

(5) *Land-grant colleges received land from the United States on the condition that they offer some military instruction in addition to their regular curriculum, forming the basis for the Nation’s tradition of college and university acceptance of responsibility to contribute to the Nation’s readiness.*

(6) *The Armed Forces face a constant challenge in recruiting top-quality personnel that ROTC programs are ideally suited to meet.*

(7) *Military recruiters should have access to college campuses and to college students equal in quality and scope to that provided all other employers.*

(8) *If any college or university discriminates against ROTC programs or military recruiters, then under current law that college or university becomes ineligible for certain Federal taxpayer support, especially funding for many military and defense programs.*

(9) *The personnel and programs of the Department of Homeland Security and the Department of Energy are mutually dependent upon a high caliber of well-educated, professional leadership in the Armed Forces in order to protect the people and territory of the United States.*

(10) *In order to more fully promote the ability of the Nation’s Armed Forces to recruit on college campuses and to facilitate the ability of students to participate in ROTC programs on campus, the laws to prevent discrimination against ROTC and military recruiters should be updated.*

SEC. 3. CERTIFICATION OF COMPLIANCE WITH ROTC ACCESS PROVISIONS.

Subsection (a) of section 983 of title 10, United States Code, is amended—

- (1) by inserting “(1)” before “No funds”;
- (2) by striking “prevents—” and inserting “prevents, either (or both) of the following:”;
- (3) by striking “(1) the” and inserting “(A) The”;
- (4) by striking “; or” and inserting a period;
- (5) by striking “(2) a” and inserting “(B) A”; and

(6) by adding at the end the following:
 “(2)(A) Not later than 180 days after the date of the enactment of the ROTC and Military Recruiter Equal Access to Campus Act of 2004 and annually thereafter, the Secretary of Defense shall request from each institution of higher education that has students participating in a Senior Reserve Officer Training Corps program during the then-current academic year of that institution a certification that such institution, during the next academic year of the institution, will—

“(i) permit the Secretary of each military department to maintain a unit of the Senior Officer Training Corps (in accordance with subsection (a)) at that institution (or any subelement of that institution), should such Secretary elect to maintain such a unit; and

“(ii) if the Secretary of the military department concerned elects not to establish or maintain a unit of the Senior Reserve Officer Training Corps at that institution, permit a student of that institution (or any subelement of that institution) to enroll in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

“(B) Any certification under subparagraph (A) shall be made by the president of the institution (or equivalent highest ranking administrative official) and shall be submitted to the Secretary of Defense no later than 90 days after receipt of the request from the Secretary.

“(C) In the case of any institution from which a certification is requested under subparagraph (A), if the Secretary of Defense does not receive a certification in accordance with subparagraph (B), or if the certification does not state that the university will comply with both clauses (i) and

(ii) of subparagraph (A) during its next academic year, the Secretary shall make a determination under paragraph (1) as to whether the institution has a policy or practice described in that paragraph."

SEC. 4. EQUAL TREATMENT OF MILITARY RECRUITERS WITH OTHER RECRUITERS.

Subsection (b)(1) of section 983 of title 10, United States Code, is amended—

(1) by striking "entry to campuses" and inserting "access to campuses"; and

(2) by inserting before the semicolon at the end the following: "in a manner that is at least equal in quality and scope to the degree of access to campuses and to students that is provided to any other employer".

SEC. 5. PROHIBITION OF FUNDING FOR POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING.

(a) COVERED FUNDS.—Subsection (d) of section 983 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "limitation established in subsection (a) applies" and inserting "limitations established in subsections (a) and (b) apply";

(B) in subparagraph (B), by inserting "for any department or agency for which regular appropriations are made" after "made available"; and

(C) by adding at the end the following new subparagraphs:

"(C) Any funds made available for the Department of Homeland Security.

"(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

"(E) Any funds made available for the Department of Transportation.

"(F) Any funds made available for the Central Intelligence Agency."; and

(2) by striking paragraph (2).

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking "subsection (d)(2)" and inserting "subsection (d)(1)".

(2) Subsection (e) of such section is amended by inserting ", to the head of each other department and agency the funds of which are subject to the determination," after "Secretary of Education".

SEC. 6. EXCLUSION OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.

(a) CODIFICATION AND EXTENSION OF EXCLUSION.—Subsection (d) of section 983 of title 10, United States Code, as amended by section 5(a), is further amended—

(1) by striking "The" after "(1)" and inserting "Except as provided in paragraph (2), the"; and

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

"(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided."

(b) CONFORMING AMENDMENTS.—Subsections (a) and (b) of such section are amended by striking "(including a grant of funds to be available for student aid)".

(c) CONFORMING REPEAL OF CODIFIED PROVISION.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 10 U.S.C. 983 note), is repealed.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. ROGERS) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such times I may consume.

Mr. Speaker, I rise in support of H.R. 3966, the ROTC and Military Recruiter Equal Access to Campus Act of 2004. It is based on one simple principle: Colleges and universities that accept Federal funding should also be willing to permit military recruiters equal access to students in ROTC scholarship programs.

Specifically, H.R. 3966 would first require colleges and universities to give military recruiters access to campus and to students that is equal to in quality and scope as that provided to any other private employer.

Secondly, the bill would require an annual verification from colleges and universities who already support ROTC programs that they will continue to do so in the upcoming academic year.

Thirdly, it will add two additional defense-related funding sources, the Central Intelligence Agency and the National Nuclear Security Administration of the Department of Energy, to the potentially prohibitive funding sources already specified in the law.

And, finally, it restores the Department of Transportation to the list of funds that might be terminated. These were inadvertently left out in the 2002 change in the law.

Mr. Speaker, I would also like to emphasize this bill does not in any way disturb or interfere with Federal financial student financial aid.

This law is known as the Solomon amendment after its Congressman, Gerry Solomon of New York, began this as a House amendment adopted in a bipartisan vote in 1995.

The following year, Congress imposed the loss of DOD funding on institutions of higher learning that had an anti-ROTC policy. That same Congress added the Departments of Education, Labor, and Health and Human Services to the list of potentially prohibited funding sources. Then the Homeland Security Act of 2002 added funding from the Department of Homeland Security to the list.

Mr. Speaker, I believe that now Congress must once again revisit this law. Recently, barriers have been erected by some colleges and universities to military recruiters having access to students on campus, particularly in their law schools.

But what has really created a real sense of urgency for us to act now is the recent court decision of Forum for Academic and Institutional Rights, otherwise known as FAIR, versus Donald Rumsfeld. FAIR was a consortium of an unknown number of anonymous law schools in this case.

In the U.S. District Court of New Jersey in September, 2003, the plaintiffs sought a preliminary injunction against the DOD from enforcing Solomon.

In his opinion on November 5, 2003, the judge denied the motion and upheld

the constitutionality of the Solomon amendment, but he noted that law schools are loathe to endorse or assist recruiting efforts of the United States military, and he criticized the government's assertion that the Solomon amendment requires colleges and universities to give military recruiters access to campuses and students equal to that given to recruiters from other employers.

□ 1630

In response to the judge's ruling, the Secretary of Defense has asked the Congress to clarify the Solomon amendment to state unequivocally that the military should have the same equal access in scope and quality to that of any other civilian employee.

H.R. 3699 will do just that. I urge support of the House.

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

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume; and I rise in support of this bill, the ROTC and Military Recruiter Equal Access to Campus Act of 2004.

First, I want to recognize the gentleman from Alabama (Mr. ROGERS) for his efforts to bring this measure to the floor, and we thank him for that. While some of my colleagues may oppose this bill, I believe it is important that Congress support efforts to ensure the military recruiters have equal access to all post-secondary institutions of higher learning, as well as law schools and graduate schools.

The propensity for young Americans to volunteer for military service, as well as public service in general, has been declining; and we need to ensure that our military is a reflection of our society, which means that military recruiters need access to all young men and women, including those who attend colleges as well as universities.

I want to take this opportunity to commend our Nation's military recruiters. Recruiting duty is not for the faint of heart. Recruiters often face long hours and demanding duty tracking down student contacts, meeting with prospective candidates, meeting with their families, traveling across the region to attend recruitment fairs and other related activities. To succeed, they must always be available wherever and whenever a prospective candidate may be. Recruiting is a serious, stressful, and vital job in the military; and only the best and brightest in these services are chosen in this capacity.

So we need to make every effort to ensure that military recruiters are successful in their job because it directly affects our national security. Tomorrow's military will be more high-tech, more sophisticated, and more demanding than today's. So we need to recruit bright and competent and knowledgeable people. We can only do this if our military recruiters get fair and complete access to our college campuses and to its students.

Thus, I urge my colleagues to support the bill and provide equal access for military recruiters.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON), a member of the Committee on Armed Services and a cosponsor of this bill.

Mr. MCKEON. Mr. Speaker, I thank the gentleman from Alabama (Mr. ROGERS) for yielding time and for his great leadership in bringing this important bill to the floor.

Mr. Speaker, it goes without saying that military service is the greatest form of duty and sacrifice that any American can have for their country. The brave men and women of our Armed Forces selflessly fight day in and day out to protect America from terror and tyranny from every corner of this world. Military service is more than just a job. It is a duty bound calling and every American should have the opportunity to serve their country in this way if they so choose.

That is why it is so important to pass H.R. 3966 today. This bill will give military and ROTC recruiters the opportunity to have the same unencumbered recruitment ability as other prospective employers on college campuses. For too long, military recruiters have been treated like second-class citizens on some college campuses and have been subjected to undue obstacles that no other recruiters have had to endure.

Some colleges and universities, for example, have required military recruiters to set up their recruitment tables off campus, while allowing other employers to recruit on campus. On other college campuses, ROTC recruiters were only given the option of using remote and inaccessible rooms for their recruitment, significantly reducing their ability to reach students. Shockingly, at one of the most prestigious colleges in this country, New York University, potential recruits were harassed and detained by protestors; and their pictures were displayed throughout the school on a poster entitled "Face of Complicity." This is absolutely unacceptable, and that kind of behavior cannot happen again.

Mr. Speaker, our Nation is involved in a global war on terror, and we must have the best and the brightest working on our side to win. Our college campuses are filled with the next Norman Schwarzkopfs and Colin Powells, and we must give them the chance to fulfill their full potential as Americans.

I urge my colleagues to join me in passing H.R. 3966.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, today we are debating a bill which at first appears to be fairly straightforward. H.R. 3966 would seem to provide the military recruiters the same access to college

and university campuses that other government agencies and private companies are receiving, but the reality is that this bill is not about equal access. It is about discrimination, pure and simple.

If H.R. 3966 passes, then colleges and universities that otherwise adhere to strict antidiscrimination policies will be forced to allow organizations like ROTC to openly discriminate against gays, lesbian and bisexual men and women. The flawed "Don't ask, Don't tell" policy that the military has adopted allows the military to discharge any serviceman or service-woman who is determined not to be straight. In no other field can someone be fired simply for being gay.

H.R. 3966 is nothing short of an open and codified policy of intolerance, intolerance against homosexuals, for the reason of their sexual orientation. Until the incredibly unjust "Don't ask, Don't tell" policy is drastically altered, bills like H.R. 3966 will continue to allow for the open discrimination against one group of Americans.

The truth is that H.R. 3966 would unfairly punish those universities who are bold enough to apply the same rules to military recruiters as they do to all other employers, employers who are recruiting on their campuses.

I will vote against H.R. 3966.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a distinguished member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I want to commend the gentleman from Alabama (Mr. ROGERS) and also my friend, the gentleman from Missouri (Mr. SKELTON), who I have the utmost respect for, and he knows that.

This is not an issue of homosexuality. It is not an issue that a lot of my left wing friends talk about, but every day they will stand up on this House floor and say I am for the troops. Of course, everybody is; but yet they vote against defense bills, they vote against intelligence bills, and they also vote against or for every amendment that would gut both military and defense.

We have an all-voluntary force, and to allow access on to our campuses is a good thing. I do not know about my colleagues; but when I see a young man or woman walking the streets, especially around D.C. here, I see pride. I see pride in service and support of this country, and they represent the same thing on our colleges and our universities; but, yet, there is still those that would block that using a whole host of examples of why not to do it.

This ends a form of discrimination and restriction on free exchange of ideas and opportunities. I cannot tell my colleagues the number of people that I served with, young Filipinos, earning their citizenship by serving on ships, young men and women in minorities that come from our inner cities that normally would not have a

chance to achieve. Many of those people have learned their discipline and their leadership skills from the military where they would not otherwise have had a chance. They would end up in a low-paying job or on welfare or whatever. It is a great opportunity, and we ought to let this opportunity have some light and have equal representation on our campuses.

That is why we are standing here. That is why my friend, the gentleman from Missouri (Mr. SKELTON), and most of the Members on both sides of this aisle are here; but yet the liberal left will fight it tooth, hook and nail, just like they vote against defense and they vote against Intel and then say we are for the troops.

Well, there is a line. Patriotism is unchanging and a work that has to be taken every single day. I want to thank my friends for supporting this bill.

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

First, let me say I thank the gentleman from California for his kind and generous comments, who wore the uniform so well, not only brought distinction to himself but to our country, and we thank him for his service.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I agree that being able to serve in the military is an important opportunity. I am here opposing this bill because I want to expand that opportunity.

This is not a bill brought forward because the military is having trouble recruiting on campuses. It is brought forward to penalize those universities which have said, look, as a matter of principle we do not want you recruiting among our students if they are not all equally able to take advantage of the opportunity offered. Obviously, there are some things for which you recruit, some people are physically or otherwise ineligible, but universities have said we do not believe that ruling out gay and lesbian young people who would like to join the military is fair to them, and we certainly do not think you should come to our campus and use our facilities and discriminate in a way that we think is unfair among our students.

I agree very much that we should be doing all we can to get people into the military. I will repeat what I said a little while ago, repetition being one of the privileges of our profession.

We have fewer Arabic-speaking translators in the military today because of the policy which kicked out a number of people at the Army language school because they were discovered to be gay. These were people who would, if they had not been kicked out some time ago, been available today to do that important job of translation. I am talking about seven people who were learning Arabic who would today be available in a greatly needed theater.

So, no, there is nothing antimilitary about people saying, look, this is a wonderful institution; yes, the ability to serve your country and its uniform is a very important one; please do not deny it to us on an irrelevant basis. Do not say because of the way we were born and because of our inherent natures we cannot participate in this.

I cite that because I have heard all the leaders in the military from Colin Powell on since this has been discussed say, look, it is not that the gay and lesbian members of the military do a bad job. There is prejudice in this society. There are people who are uncomfortable in their presence, and we have to honor that argument as well. It is bad for morale.

Of course, the Israeli Defense Force is not being able to afford the luxury of discrimination. They have mobilized all of their people, including gays and lesbian people, and no one has suggested that they are an ineffective fighting force or have inappropriate morale.

So I would very much like to agree with the principle that we should expand opportunities for young people, that we should increase our ability to recruit. The way to do that is to change the policy, and we should not be penalizing those institutions which, as a matter of principle, are working for a change in that policy.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary and a cosponsor of H.R. 3966.

Mr. KING of Iowa. Mr. Speaker, initially I would like to thank the gentleman from Alabama (Mr. ROGERS) for bringing this bill before us. It is something I have looked at for some time, and it is something that I certainly support.

It would be my endeavor to bring individual amendments to the appropriations process if we needed to in order to reestablish the pre-eminence of the military on our campuses across this country.

This is something that started back in the 1970s as part of the protests against the Vietnam War; and, slowly, this kind of policy that has been a resistant to recruitment and ROTC on our campuses across this country has used every tool available.

Well, I want to announce that this is about discrimination, this issue is; but it is about discrimination against young men and women in uniform. Whenever somebody stands up in a uniform, we will find somebody with another agenda trying to find a way to erode the values that put them in that place; and so the argument was made, for example, the Boy Scouts would be one, and of course, all our men and women in uniform in the Army, Navy, Air Force and Marines and the Coast Guard are also victims of an effort that is keeping us from recruiting good people because the campuses have lined up against the recruitment on campus.

I look forward to the day that ROTC or any recruiter can set up a card table on the commons at Harvard University on the exact location where George Washington received his commission as commander of the Continental Army. I find that a real offense to the United States, not to have the freedom to do that and to promote it.

A statement was made by the gentlewoman earlier that in no other field can a person be fired for being gay. Well, no, probably not; but most people in this country are at-will employees, and they can be fired for no reason or any reason at all.

It is not a matter about open discrimination.

□ 1645

I would like to relate a little story, Mr. Speaker.

State Senator Jerry Behn from Iowa asked the question, when lobbied by the gay lobby, answer me this: Am I heterosexual or am I homosexual? They looked at him for a while and they said, well, we do not know.

That is the answer. You cannot tell. Keep it private.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), who is also a cosponsor of this piece of legislation.

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

First of all, I want to express my respect for my colleague, the gentleman from Alabama (Mr. ROGERS), for bringing this legislation to the floor.

I will say this. It is a sad commentary on our time when we even have to have legislation like this. You would not really think in a country that is at war, and we are at war, with soldiers in the field, young men and women risking their lives every day, that such disrespect would be shown to them by men and women their own age.

My son is a Marine. I cannot imagine him being assigned to a college, a university. He has actually left college to go in the Marines. I cannot imagine him coming home from the sacrifice he has made, going on to that college campus and seeing young men and women who, while he was serving in the Marines, were enjoying their college education because he and other young men and women sacrificed for them and served in their place.

The gentlewoman, who I respect from the San Francisco Bay area, and the gentleman from Massachusetts, who I respect, they both said this is about discrimination. I think the gentleman from Iowa said it best when he said it is about discrimination, but it is about discrimination against our military and those that serve in our uniform.

Let us not involve our young men and women who are risking their lives every day. Let us not involve them in

some policy discussion. Let us not endanger their lives and the lives of those who serve next to them in this debate.

If law students want to debate this issue, if they want to write in the paper, that is one thing, but when they block military recruiters, as they have done, it is time for us to end this foolishness. It is our responsibility as a Congress. Support this legislation.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a distinguished member of the Committee on Armed Services and also a cosponsor of this legislation.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Alabama for yielding me this time and for bringing this bill, H.R. 3966, before us today.

Mr. Speaker, I am in strong support of H.R. 3966, which would require that colleges and universities give military recruiters the same access to students as other employers.

We as a Nation depend on the brave service of our military to protect our homeland, but do we honestly think that we are going to recruit the best and the brightest young men and women to serve if their schools are not even letting recruiters in the door? And that, Mr. Speaker, is exactly what is happening. That is why we need this bill.

Mr. Speaker, we rely on an all-voluntary force, which means that students choose whether or not to serve in the military or to pursue a civilian career. I hope that we can all agree that for our safety and the safety of our children and our grandchildren we want to have the smartest and the most capable military possible. But, remarkably, some schools choose to leave military recruiters out in the cold. Mr. Speaker, H.R. 3966 will serve to right this terrible policy of excluding military recruiters from our campuses.

Again, I commend the chairman, I commend the gentleman from Alabama (Mr. ROGERS), and I rise in 100 percent support of it, and I hope we have bipartisan support and pass H.R. 3966.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. COX), Chairman of the Select Committee on Homeland Security and an original cosponsor of H.R. 3966.

Mr. COX. Mr. Speaker, I want to thank the author of this legislation, the gentleman from Alabama (Mr. ROGERS), for his strong leadership needed at this time; and I also want to thank my friend and colleague, the gentleman from Missouri (Mr. SKELTON), for his leadership on this issue.

It is very important that we move this legislation forward because it squarely addresses the scandal of American colleges and universities banishing ROTC and military recruiters from campus, while turning around

and cashing the taxpayers' checks from the Department of Defense and other national security and homeland security agencies of our government to the tune of hundreds of millions of dollars.

My alma mater, Harvard University, which bans ROTC from campus, gets more money in Federal taxpayer grants than it does from tuition for undergraduates and graduates combined, and yet Harvard University sends its hard core, a very small number of hearty brave students, down the road to MIT where they have to do their MIT-based ROTC training because they cannot be on campus. They do not meet Harvard standards because they want to affiliate themselves with the United States military.

The attacks on America, on the World Trade Center and on the Pentagon should have been a wake-up call to schools such as Harvard, which banished ROTC from campus 35 years ago. There is now a feeble pretext for this military ban on America's elite campuses. It is alleged that it is a protest against the Clinton administration's "don't ask/don't tell policy" for gays in the military. I find that exceptionally hard to believe, because no mention was made of this problem in 1969 when the ban was put in place.

I was on Harvard's campus during the Vietnam War. I remember when South Vietnam fell to the Communists, and I saw the biggest demonstration that I had seen yet on Harvard's campus, with students out in the streets chanting, "Ho, ho, Ho Chi Minh, the Vietcong are going to win." That is where this ban came from.

It has been a long time since the Vietnam War, JOHN KERRY notwithstanding; and it is high time that we recognize what happened to us on September 11, that we recognize that it was U.S. troops who were defending the Harvard students at Logan Airport in the hours after the 9/11 attacks. And, of course, Boston's Logan Airport was one of the staging airports for the 9/11 attacks on this country.

As our Nation wages an aggressive campaign to defeat global terrorism, President Kennedy's call to young people to "ask what you can do for your country" is more important than ever. America's armed forces are hunting down al Qaeda and other supporters of terrorism in Afghanistan, in Iraq, and on every continent around the globe. Never in recent history have we asked more from our Armed Forces, and never have we needed more educated leaders in our armed services.

The best contribution Harvard could make, the best contribution Yale could make, the best contribution that Stamford and Columbia could make to sound, wise policies in our Nation's military is to permit their graduates to enter into leadership posts there. But even a Harvard alum, who is a military recruiter, cannot go on campus to do it.

Now I have heard this is not really about the military, that this is a puni-

tive measure aimed at the colleges themselves. But the military did not start this fight; and, in fact, look at what the universities' policies have accomplished over the last several decades.

In 1964, there were 268,000 ROTC students on America's campuses. Today, it is down to 50,000, a decline of more than 80 percent.

The military is being hurt by these policies, and America is being hurt by these policies. Today, successful recruitment of exceptional officers depends more heavily than ever on the Reserve Officers Training Corps. This past year, 70 percent of the Army's newly commissioned officers came from ROTC.

As chairman of the Select Committee on Homeland Security, I have been deeply gratified and humbled as I have seen how many of America's best and brightest have been willing to volunteer in service to their country in the fight against terrorism, both through ROTC and through choosing a career in the military upon graduation. But many of these same schools that are banning ROTC on campus are also banning even military recruiters from coming to campus.

The premise of this bill is a simple one: Colleges that discriminate against the United States Armed Services should not receive U.S. taxpayer funds related to national defense and homeland security. The bill will stop the current abusive practice under which schools ban ROTC and military recruiting but then turn around and cash enormous checks from the Department of Defense and the Department of Homeland Security. It will require they certify that they do not discriminate and that they will permit ROTC recruiters and ROTC training programs on campus.

Today, as our Nation calls for able new leaders in the war on terror, it is time for our universities and our colleges in America to honor that call and help lead our Nation.

Mr. Speaker, I thank the gentleman from Alabama (Mr. ROGERS) for bringing this important legislation to the floor.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I think it is unfortunate that the discussion here has gone off in directions about what constitutes patriotism or what constitutes the proper recognition of the defense of democracy, because that is how all this argument started.

Mr. Speaker, I want to indicate to the Members that this issue deserves a full discussion and not just on the floor. We would not be here and there would not be a motion to recommit, which will be made shortly, I can assure you, if we had a full discussion about this and then had gone, probably where it should have gone, to the Committee on the Judiciary, if it needed to

go at all, or a decision could have been made as to whether that was the proper venue.

I, too, can have recollections about what happened during Vietnam. I dare say that a lot of people on the floor, Members of this Congress, were not involved in any of that. I know what the first amendment is all about, and I do not think the first amendment says that the Secretary of Defense gets to decide what other people get to say or do in this country under threat of some kind of sanction. To the degree or extent that someone is prevented access that they are entitled to, they have recourse in the courts. That is what we do in a democracy.

I do not notice that it is our job, certainly not in the Committee on Armed Services, to turn over to the Secretary of Defense, any Secretary of Defense, the opportunity to be a prosecutor and a judge and a jury and a sheriff all at the same time.

Now, the facts are, as to the origin of this argument today, that there apparently have been instances in which people disagreed, apparently in some law schools in particular, disagreed with the "don't ask/don't tell policy" of the United States Armed Forces. This has nothing to do with what people said or did not say about the Vietnam War. It has nothing to do with what any particular Member's view of that American involvement in the Vietnam war was, let alone the war on terror or anything else. What it has to do is with the present policy, whether you agree with it or not, with the armed services.

Now, if the Armed Services say they want equal access, what was being said apparently by the people at these various schools was that they did not have equal access to being able to join the Armed Services or the Department of Homeland Security, I suppose, or the CIA. Now that needs to be discussed, and it is not going to be discussed in 3 minutes or 5 minutes or 2 minutes here on the floor. It is not even going to come up.

Now I could not find the proper way to make a motion to try to get this before the Committee on the Judiciary so we could have a discussion on what the proper sanctions might be, if they were needed at all, with respect to gaining access for the ROTC or anybody else that want to recruit. I am in favor of that. Those of us who oppose this bill are in favor of it.

□ 1700

I resent on proper grounds here in the House being categorized as someone who somehow wants to thwart the war on terrorism or does not have the correct view on the Vietnam War because I am trying to defend the first amendment and because I would like to see these discussions held in a manner and in a place and in a venue which is appropriate to the circumstances. We need to talk about such issues as to whether everybody in this country is going to be treated equally with respect to being able to join the military

or participate in the Department of Homeland Security or defend our security interests through the CIA and whether they can be hired on the basis of their ability and what they have to offer rather than on what they look like or what their sexual orientation is or anything else. This is not the bill to do it, and it is certainly not the Secretary of Defense who should be doing it.

So what I am asking here is that the Members try to exercise some common sense, some common legislative sense, give us an opportunity to take up this serious issue, which does need addressing, and address it in a manner that will resolve it under constitutional methodology that is worthy of this body.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the author of the bill for yielding me this time.

Just to respond to the preceding speaker, the gentleman from Hawaii, this is not about telling people what to think or what to say. It is about giving students freedom of choice. This is all about whether or not students have access on campus. At Harvard, the undergraduate council voted overwhelmingly to invite ROTC back on to campus, but the school has taken no action. So it is the students who are being short-changed.

As to whether this is completely unrelated to Vietnam, I will state that that is just wrong as a matter of fact. This ban at Harvard University, where I am a former member of the faculty, I am reasonably familiar with this, and a graduate of two schools at Harvard, in 1969 at Harvard, the faculty voted to ban the military from campus in protest to the Vietnam War and that ban has been in place ever since. My contention is that 9/11 should serve as a wakeup call, welcome to the 21st century. Let us revisit this, and get it back to where it belongs.

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

Mr. COX. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. I do not dispute that. We did not dispute it in committee. When the issue was raised in committee, what I said is that this issue does need to be resolved so that access is possible, "Is this the best way to do it?" Inasmuch as we had to make a decision on the spot, my contention was, and I believe many of us who are forced now, we are forced because the bill is on the floor under a closed rule, I have no choice but to try and oppose it.

Mr. COX. I appreciate the gentleman's point, and reclaiming what little time I have, I will just say simply that we have students who are going to graduate. This has been going on for some years. 9/11 was a few years ago. At Yale where the school is happy to cash the ROTC scholarship checks, the Yale

students have to travel 75 miles to the University of Connecticut and then 75 miles back, 150-mile round trip, they have to do this three times a week. It is an extraordinary burden to place just so that the university can make a point that joining the military is not what we want our students to do.

Mr. SKELTON. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I accept everything that the gentleman just said. It is making my point. The reason this bill is on the floor is because the courts ruled that the Secretary of Defense had no basis for making this decision. That is the reason the bill is on the floor.

I realize a lot of Members and their staffs are listening to this discussion in their offices, and they cannot be on the floor because they have other duties; but I am asking them to pay attention to why the bill is on the floor. This bill gives the Secretary of Defense the basis. We are creating another problem instead of solving the problem which is really before us, which is access for ROTC and/or military and other recruiters. If Harvard or any other school is preventing them from coming on, is there no access to the courts? You mean no law exists in the United States to allow people to have proper access? Of course it exists.

The reason for this bill is to make the Secretary of Defense the arbiter of how this is going to take place, even up to the point of getting certification from the school that the Secretary of Defense is satisfied that equal access, et cetera, is going to be provided.

My point is that we are doing this all wrong. If we really want to solve this issue of openness and access and discussion that needs to be taking place and to have the ROTC or the CIA or the Homeland Security Department or whoever it is have access and dialogue and discussion on a civilized basis as to how it should take place, that is available to us. This is not the way to do it. This bill merely enables the Secretary of Defense to be judge and jury over that process, and it will generate a whole new slew of lawsuits that will not solve the question nor even address the question that is before us as to how do we achieve this access. I want that access.

I think it is very unfortunate that the bill is being posited to the body in such a manner that those of us who oppose it seem to be in favor of terrorism or approving arbitrary dislocation of legitimate endeavors to recruit for the ROTC or anybody else. That is not true. On the contrary, I raised the issue in the Committee on Armed Services precisely on the point that I am a libertarian on the issue of free speech and access, and I believe everybody should engage in dialogue and confrontation of the issues in a positive way that gives everybody a chance.

The reason the argument takes place in the first place is that people who are

defending those who are prevented from having access to the armed services, apparently those who are gay or lesbian or transgender or whatever other category we are getting into these days, I cannot keep up with every permutation that apparently exists in terms of gender and sexual orientation, but that is not a reason to make the Secretary of Defense the arbiter of it. I do not think, despite his great wit and great perception and depth of interest in world history and events, that the Secretary of Defense is necessarily up on all the latest in transgender fashions. And so I do not think that this is a proper forum nor a proper venue to try and resolve this issue.

My request, Mr. Speaker, of the body is that we give a chance for a motion to recommit to be made so that we can address the issue of access as opposed to addressing the issue which the bill moves toward giving a basis for the Secretary of Defense to make this decision. Let us not confuse the access apple with the orange of the first amendment of the Constitution.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his sponsorship of this bill and also the gentleman from California (Mr. COX) for doing so much work on it, but also just to comment that this is not just for the recruiters, that people go to institutions of higher education to avail themselves of thousands of choices for career paths. As we think about the officer corps that is performing right now in theater in Iraq, for example, and we look at the leadership which not only has fought a war and now is working an occupation but is also standing up governments, people who have never talked, who have never voted together, who have never worked things out in a peaceful fashion, bringing them together and standing up governments and introducing the idea of democracy to those who have not entertained it before, that is an exciting occupation. Bringing the prospects for that occupation to be a leader in the Armed Forces of the United States, to be what most American citizens feel are our finest citizens, is a great opportunity. This bill, the Rogers bill, will ensure that those people have that choice. I thank the gentleman for bringing it up.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Speaker, I want to commend the gentleman from Alabama. I rise in support of H.R. 3966. This bill is about the war on terror. It is about the obligation that we have to sustain a viable Armed Forces. It is my understanding that the judge in the

FAIR case did not disagree with the Secretary of Defense's obligation to build up our Armed Forces and did not disagree that there should be equal access and treatment of our recruiters, but I think that the findings were that there was not explicit statutory direction or authorization to do so, and that is why we are here.

As the gentleman from California previously stated, this is about abandoning the Vietnam-era rejection of the values associated with service in the military. I find it ironic. There is a lot of discussion today on the floor about these institutions of higher learning that enjoy such a worldwide reputation and a lot of talk about their enjoyment of their freedom of expression and protection of free speech, and at the same time what they are doing is trying to advocate a specific position and denying choice to our students. I commend the gentleman and urge the passage of this bill.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor for me to be here today with the gentleman from Alabama. I appreciate very much his leadership to promote the ROTC and Military Recruiter Equal Access to Campus Act of 2004. I have heard the comments by the distinguished chairman of the Committee on Armed Services, the gentleman from California; and I agree with him that this is about providing choices. It is also about providing opportunities.

I know firsthand. I had the opportunity to experience a career of 4 years of ROTC at Washington & Lee University in Lexington, Virginia. From that it led to my ability to serve in the National Guard for 31 years. I am very grateful for what ROTC did for me. Additionally, my oldest son is a graduate of Francis Marion University in Florence, South Carolina, ROTC. He went on to law school and now is serving in Iraq. I am very proud of his service because of ROTC and the opportunities it has provided. And in 5 weeks I am looking forward to attending the graduation of my third son from Clemson University. He is in Army ROTC, as one might expect. I am just really proud of his service and the opportunities that he will have to serve in the military.

I also am aware of opportunities for minorities in the State of South Carolina. A classic case is someone who is known here in Congress, General Abe Turner. General Turner is a graduate of South Carolina State University, which is one of our historically black colleges which is very distinguished. I was with General Turner. He is now the commanding general of Fort Jackson in South Carolina. These are opportunities that have been provided to young people to go to college and have the ROTC experience.

Finally, I want to point out that particularly for law schools, I think it is important to have access. I served in

the Judge Advocate General Corps for 29 years. There is no better way to get trial experience, to learn about the law and the laws of the United States than to serve in the JAG Corps. I urge that this bill be passed, that indeed we have access for law schools. I am just grateful for this and urge my colleagues to support this act for ROTC recruitment.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), who is a member of the Committee on Armed Services.

Mr. MEEHAN. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill was rammed through the Committee on Armed Services 2 weeks ago without a single hearing. Without a single hearing. I guess it should not be a surprise because it seems that time and time again the leadership has forced votes on the floor without holding committee hearings. We did not have a committee hearing on the bill with the Medicare prescription drug language that came before this Congress, so I guess it should not be a surprise that we did not have a hearing on this particular piece of legislation.

This bill is designed to force universities to violate their own policies against discrimination on the basis of sexual orientation and will undermine pending lawsuits that challenge the so-called Solomon amendment.

We all strongly support efforts of the United States military to recruit on our Nation's campuses, especially in a time of war. But the gentleman from Alabama would agree at the time that we debated this in committee, only one educational institution in the country was brought before us that denies access to military recruiters and that school received no Federal funding to begin with. Furthermore, every campus on which the Department of Defense elects to have ROTC currently has an ROTC presence.

□ 1715

This is because universities are already forced to compromise their non-discrimination policies in order to receive most of the Federal funding they compete to obtain under the Solomon amendment.

So why are we introducing a bill that would broadly expand the prohibition on Federal funding to schools that do not allow access to military recruiters when only one institution, at least at the time that we dealt with this bill that was available, that prohibited this? I have serious concerns about restricting additional funding such as grants for homeland security, intelligence programs to universities, particularly when the authority to define "equal access" lies solely in the hands of the Secretary of Defense.

This bill is a drastic solution to a problem that I do not think even exists. In fact, there is no crisis in military recruiting on student campuses or anywhere else in the country. The De-

fense Department has reported to our committee that they are exceeding all of its recruitment and retention goals in each of the active duty services since 2001 and is actively downsizing certain specialties requiring advanced degrees.

In 2003, the Army surpassed its recruiting objectives for new contracts by 9.1 percent and new recruits by 0.4 percent, while the quality of new recruits have increased dramatically.

So if we are going to pass such a drastic piece of legislation, it seems to me we should at least have a hearing, have an opportunity to debate. I thought the gentleman from Hawaii said it best in committee. It is like trying to deal with a little problem of a fly with a sledgehammer. It does not make any sense. We should send this bill back into the committee and have a hearing on it and discuss these issues so that we know what the consequences of the language in this bill are.

Mr. ROGERS of Alabama. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

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

This bill attempts to correct a situation wherein a military ROTC recruiter seeking access would, in essence, be sent to the basement or to another building where corporations such as General Motors and the like recruiting would have the first floor and easy availability to the young Americans. So I do support this bill, and I intend to vote in favor thereof.

Mr. STARK. Mr. Speaker, I rise in opposition to the ROTC Campus Access Act. This bill is wrong. It isn't about promoting military recruiting, its about punishing institutions that promote equal access to opportunity.

The fact is this bill will prohibit colleges and universities from applying their same non-discrimination policies to the military that they apply to other employers. And, if they try to do so, it will bar them from receiving federal funding.

Passage of this legislation is not only wrong, it's unnecessary. Current law already provides the federal government the ability to deny federal funding to colleges and universities that refuse to allow military recruiters or ROTC programs access to their campuses.

This bill takes that law a step further by requiring that such access be equal to the access provided to other potential employers seeking to recruit new employees on college campuses.

The problem with taking this extra step is that it would require many colleges and universities to explicitly ignore their own non-discrimination policies or lose their federal funding.

Many colleges and universities require employers to sign a non-discrimination pledge before they recruit on campus. That means employers cannot discriminate against prospective employees on many bases—including sexual orientation. Yet, our Military's "don't ask, don't tell" policy is straight-forward discrimination and in direct conflict with college policies of this nature.

If this bill becomes law, and a college or university attempted to downplay the

prominence of the ROTC recruiting effort by placing them in a not-so-central location for their recruiting efforts, they could lose all federal funding. This is draconian, extreme, and wrong.

We ought to be voting today to overturn the military's don't ask don't tell policy and instituting a policy that prohibits discrimination based on sexual orientation. But, this Congress is unwilling to take the right step. They're putting the wrong foot forward on this one.

I urge my colleagues to join me in standing up to oppose discrimination and vote "no" on this bill.

Mr. BLUMENAUER. Mr. Speaker, I voted against this legislation as it does not seem fair to cut off federal funds to institutions that have policies against allowing recruiters on campus from employers that have an open policy of discrimination. We should not be punishing universities that have legitimate policy differences. As long as the military continues its ill-advised policy of prohibiting service by openly gay members (although it's interesting that, in times of war, gays and lesbians are considered valuable to our country and not forced out of the military) we should not force them to break their non-discrimination policies for the military.

Mr. BOEHNER. Mr. Speaker, I rise today in strong support of this measure, which shows our Nation's unwavering commitment to both higher education and providing a strong national defense. At no time in recent memory has the United States placed more responsibility on our men and women in uniform. We are fighting a war on terrorism on multiple fronts, in Afghanistan and Iraq, and it is essential, if we are to be victorious in defending our freedom and protecting our homeland, that we promote military service as an option to college students across the U.S.

It is important to acknowledge that when this Congress passed, and President Bush signed into law, the No Child Left Behind Act, the bill made it easier for military recruiters to inform America's high school students about their options to serve their country, while also giving parents a choice about whether or not they want their sons and daughters to be contacted individually by military recruiters.

Now, in the ROTC and Military Recruiter Equal Access to Campus Act, again we are giving choices to institutions of higher education. The Solomon Act, passed in 1996, grants the Secretary of Defense power to deny federal funding to institutions of higher learning if they prohibit or prevent ROTC or military recruitment on campus. This law recognizes the importance of having a capable, educated and well-prepared military—one that is ready to defend American liberties such as freedom of speech and higher education.

As the gentleman from Georgia (Mr. ISAKSON) and I wrote in a letter to colleagues last year, if we deny armed forces recruiters the opportunity to actively recruit in schools, we not only disrespect the sacrifices of military men and women who have made our freedom possible—we also rob our students of the valuable opportunities that military service to our Nation can provide. There is no reason to not allow our Nation's armed forces to make their best case to college students and to do so in the same fashion as many of the private sector employers colleges and universities seem to relish having on campus with equivocation.

Denial of access and equality to ROTC chapters and military recruiters by colleges that receive federal funds is an insult to the taxpayers in our 50 states who help subsidize higher education in this country. Many nations have mandatory military service for their citizens. We don't. The very core of our system of homeland security and national defense depends on young men and women deciding, on their own volition, that they wish to serve their country. Successful recruitment of the best officers in our military relies heavily on the Reserve Officer Training Corps.

In 2003, ROTC produced 70 percent of the newly-commissioned officers who entered the U.S. Army, allowing military recruiters to be barred from federally-funded campuses could have direct consequences for our national security. As the UCLA Veterans Society said in a recent legal brief: "A shortage of military lawyers would affect military commanders' ability to train their soldiers on the law of war," and "a lack of military lawyers could increase the likelihood of law of war violations soldiers and unacceptable civilian collateral damage during military operations."

This measure should not be politicized. It is straight-forward and benefits both our students and armed forces. H.R. 3966 does not violate a college's Constitutional rights to free speech or protest. Congress doesn't force colleges and universities to accept federal funding. If an institution of higher-learning wishes to bar ROTC chapters from forming or military recruiters from recruiting, it is free to do so—but it should not expect that decision to be endorsed and subsidized by the taxpayers of the United States. This legislation reaffirms our commitment to that principle. I commend the gentleman from Alabama (Mr. ROGERS) for offering it, and I urge my colleagues to join me in supporting it.

Mr. FARR. Mr. Speaker, the bill we are debating today, H.R. 3966, purports to provide military recruiters entry to college campuses, and access to students that is equal to what any other employer has. However, the military is actually seeking special access that is not afforded to other employers that practice discrimination based on sexual orientation.

Equality was not a concern for the military in 2002 when they discharged 16 Arabic linguists from the Defense Language Institute in my district. Despite the high demand for Arab linguists, the military discriminated against these service members based on nothing more than their sexual orientation.

Schools should not be forced to choose between federal funding and their commitment not to endorse discrimination. The schools' standards of non-discrimination should apply to any organization, be it private sector or public that is seeking access to a campus and its students.

One of the Congressional findings that is incorporated in this bill states that "the presence of ROTC programs on college campuses benefits even those students who are not enrolled by making them aware of the presence and role of the United States military."

I wonder what the benefit is to the gay and lesbian students whose talents and skills are utterly disregarded by the military, simply because of their sexual orientation.

I encourage all of my colleagues to vote against this bill and for true equality.

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

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

The SPEAKER pro tempore (Mr. BASS). All time for debate has expired.

Pursuant to House Resolution 580, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT BY MR. ABERCROMBIE

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

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

Mr. ABERCROMBIE. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. ABERCROMBIE moves to recommit the bill H.R. 3966 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Page 7, line 7, before the close quotes insert the following: "... determined, in the case of a law school, by the Association of American Law Schools, and, in the case of any other institution of higher education (or subelement thereof), by the appropriate regional accrediting entity".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes in support of his motion.

Mr. ABERCROMBIE. Mr. Speaker, as was indicated by the gentleman from Massachusetts (Mr. MEEHAN), the previous speaker, I think all we would like to have here and the reason for recommitment motion is to have some hearings. As the chairman, and I do not if he is still on the floor or not, the chairman of the Committee on Armed Services Committee knows, I have the greatest respect for him and the greatest respect for the bipartisanship that exists on the Committee on Armed Services.

The issue here and the only reason this bill is on the floor is that a court determined that the Secretary of Defense did not have a basis in law for being able to make some of the kinds of decisions which the bill in front of us allows the Secretary to make. The issue involved here is one of access. It is one of equal treatment. The arguments of whether one accepts them or do not accept them have been made that the armed services, I suppose by extension of the bill, the Department of Homeland Security, the CIA, are not allowing equal access to every American and at least in some instances on the basis of their sexual orientation. There may be other issues that are raised in that regard, too. That is worthy of discussion, surely. Whether or not then this bill constitutes a proper response to that difficulty to the degree that it exists is the issue.

The reason I am asking for a vote on recommitment with instructions is not

because I oppose or anyone else, I believe, opposes equal access either for recruitment purposes or other purposes of discussion and dialogue but rather that this bill does not address that fundamental issue and, in fact, will only engender a new series of lawsuits and it will fail to accomplish that which is really the bottom-line, fundamental issue here before us, which is how do we appropriately address the first amendment in the context of recruitment, whether it is for a Federal Government agency of any kind, let alone whether or not the Secretary of Defense should be the arbiter in that regard.

So, Mr. Speaker, with that I am asking that the body vote to recommit with instructions so that we can properly address this serious issue.

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

The SPEAKER pro tempore. Does the gentleman from Alabama (Mr. ROGERS) wish to control the time in opposition to the motion to recommit?

Mr. ROGERS of Alabama. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong opposition to the motion to recommit.

This motion is simply an effort to empower those who would oppose fair access to military recruiters to our colleges and universities with the authority to treat recruiters as second-class citizens.

H.R. 3966 would ensure nothing more than fair and equal treatment of recruiters. This amendment would put the fox in the hen house, so to speak, by giving the Association of American Law Schools the authority to judge if the recruiter has been provided equal treatment with other employers. This is the very group which has fostered the attitude among law schools to resist compliance with the law. We, the Congress, must make the decision, not the people who would oppose any form of military presence on campus. It is up to Congress to decide the level of access that should be granted. We must reject this motion.

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

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

There was no objection.

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

The motion to recommit was rejected.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-

minute vote on passage will be followed by two 5-minute votes on motions to suspend the rules considered earlier today:

H.R. 3104, by the yeas and nays;

H. Con. Res. 386, by the yeas and nays.

The vote was taken by electronic device, and there were—ayes 343, noes 81, not voting 9, as follows:

[Roll No. 101]

AYES—343

Aderholt	DeFazio	Johnson, E. B.
Akin	DeLay	Johnson, Sam
Alexander	Deutsch	Jones (NC)
Allen	Diaz-Balart, L.	Kanjorski
Andrews	Diaz-Balart, M.	Kaptur
Baca	Dicks	Keller
Bachus	Dingell	Kelly
Baird	Doggett	Kennedy (MN)
Baker	Dooley (CA)	Kennedy (RI)
Ballance	Doolittle	Kildee
Ballenger	Doyle	Kilpatrick
Barrett (SC)	Dreier	Kind
Bartlett (MD)	Duncan	King (IA)
Barton (TX)	Dunn	King (NY)
Bass	Edwards	Kingston
Beauprez	Ehlers	Kirk
Bell	Emerson	Klecicka
Bereuter	Engel	Kline
Berkley	English	Knollenberg
Berman	Etheridge	Kolbe
Berry	Evans	LaHood
Biggett	Everett	Lampson
Bilirakis	Feeney	Langevin
Bishop (GA)	Ferguson	Larsen (WA)
Bishop (NY)	Flake	Latham
Bishop (UT)	Foley	LaTourette
Blackburn	Forbes	Leach
Blunt	Ford	Levin
Boehlert	Fossella	Lewis (CA)
Boehner	Franks (AZ)	Lewis (KY)
Bonilla	Frelinghuysen	Lipinski
Bonner	Frost	LoBiondo
Bono	Galleghy	Lowey
Boozman	Garrett (NJ)	Lucas (KY)
Boswell	Gerlach	Lucas (OK)
Boucher	Gibbons	Manzullo
Boyd	Gilchrest	Marshall
Bradley (NH)	Gillmor	Matheson
Brady (TX)	Gingrey	McCarthy (NY)
Brown (SC)	Gonzalez	McCollum
Brown, Corrine	Goode	McCotter
Brown-Waite,	Goodlatte	McCrery
Ginny	Gordon	McHugh
Burgess	Goss	McInnis
Burns	Granger	McIntyre
Burr	Graves	McKeon
Burton (IN)	Green (TX)	McNulty
Buyer	Green (WI)	Menendez
Calvert	Greenwood	Mica
Camp	Hall	Michaud
Cannon	Harman	Miller (FL)
Cantor	Harris	Miller (MI)
Capito	Hart	Miller (NC)
Cardin	Hastings (WA)	Miller, Gary
Cardoza	Hayes	Mollohan
Carson (IN)	Hayworth	Moore
Carson (OK)	Hefley	Moran (KS)
Carter	Hensarling	Moran (VA)
Case	Herger	Murphy
Castle	Hill	Murtha
Chabot	Hinojosa	Musgrave
Chandler	Hobson	Myrick
Chocola	Hoeffel	Napolitano
Clyburn	Hoekstra	Nethercutt
Coble	Holden	Neugebauer
Cole	Hooley (OR)	Ney
Collins	Hostettler	Northup
Cooper	Houghton	Norwood
Costello	Hoyer	Nunes
Cox	Hunter	Nussle
Cramer	Hyde	Obey
Crane	Inslee	Ortiz
Crenshaw	Isakson	Osborne
Cubin	Israel	Ose
Culberson	Issa	Otter
Cunningham	Istook	Oxley
Davis (AL)	Jackson-Lee	Pearce
Davis (CA)	(TX)	Pence
Davis (FL)	Jefferson	Peterson (MN)
Davis (TN)	Jenkins	Peterson (PA)
Davis, Jo Ann	John	Petri
Davis, Tom	Johnson (CT)	Pickering
Deal (GA)	Johnson (IL)	Pitts

Platts	Schiff	Terry
Pombo	Schrock	Thomas
Pomeroy	Scott (GA)	Thompson (MS)
Porter	Sessions	Thornberry
Portman	Shadegg	Tiahrt
Price (NC)	Shaw	Tiberi
Pryce (OH)	Shays	Toomey
Putnam	Sherman	Towns
Quinn	Sherwood	Turner (OH)
Radanovich	Shimkus	Turner (TX)
Rahall	Shuster	Udall (CO)
Ramstad	Simmons	Udall (NM)
Regula	Simpson	Upton
Rehberg	Skelton	Van Hollen
Renzi	Slaughter	Visclosky
Reyes	Smith (MI)	Vitter
Reynolds	Smith (NJ)	Walden (OR)
Rogers (AL)	Smith (TX)	Walsh
Rogers (KY)	Smith (WA)	Wamp
Rogers (MI)	Snyder	Waxman
Rohrabacher	Souder	Weldon (FL)
Ros-Lehtinen	Spratt	Weldon (PA)
Ross	Stearns	Weller
Royce	Stenholm	Whitfield
Ruppersberger	Strickland	Wicker
Ryan (OH)	Stupak	Wilson (NM)
Ryan (WI)	Sullivan	Wilson (SC)
Ryun (KS)	Sweeney	Wolf
Sabo	Tancredo	Wu
Sanchez, Loretta	Tauscher	Wynn
Sandlin	Taylor (MS)	Young (AK)
Saxton	Taylor (NC)	Young (FL)

NOES—81

Abercrombie	Honda	Pascrell
Ackerman	Jackson (IL)	Pastor
Baldwin	Kucinich	Paul
Becerra	Lantos	Payne
Blumenauer	Larsen (CT)	Pelosi
Brady (PA)	Lee	Rangel
Brown (OH)	Lewis (GA)	Rothman
Capps	Lofgren	Roybal-Allard
Capuano	Lynch	Rush
Clay	Majette	Sánchez, Linda
Conyers	Maloney	T.
Crowley	Markey	Sanders
Cummings	Matsui	Schakowsky
Davis (IL)	McCarthy (MO)	Scott (VA)
DeGette	McDermott	Sensenbrenner
Delahunt	McGovern	Serrano
DeLauro	Meehan	Solis
Emanuel	Meek (FL)	Stark
Eshoo	Meeks (NY)	Thompson (CA)
Farr	Millender-	Tierney
Fattah	McDonald	Velázquez
Filner	Miller, George	Waters
Frank (MA)	Nadler	Watson
Grijalva	Neal (MA)	Watt
Gutierrez	Overstar	Weiner
Hastings (FL)	Olver	Wexler
Hinchey	Owens	Woolsey
Holt	Pallone	

NOT VOTING—9

DeMint	Hulshof	Rodriguez
Gephardt	Jones (OH)	Tanner
Gutknecht	Linder	Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1748

Messrs. HONDA, FATTAH, BLUMENAUER, HOLT, CLAY, GUTIERREZ, and RANGEL changed their vote from "aye" to "no."

Mr. PETRI and Mr. INSLEE changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 10, United States Code, to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in

Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.”.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3966.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3104, by the yeas and nays; and H. Con. Res. 386, by the yeas and nays.

ESTABLISHING CAMPAIGN MEDALS TO BE AWARDED TO MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3104, 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 Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 3104, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 102]

YEAS—423

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

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

Wamp	Terry	Watson
Watt	Thompson (CA)	Waxman
Weiner	Thornberry	
Weldon (FL)	Smith (TX)	
Weldon (PA)	Tiberi	
Weller	Tierney	
Wexler	Toomey	
Whitfield	Towns	
Wicker	Turner (OH)	
Wilson (NM)	Turner (TX)	
Wilson (SC)	Udall (CO)	
Wolf	Udall (NM)	
Woolsey	Upton	
Wu	Van Hollen	
Wynn	Velázquez	
Young (AK)	Wynne	
Young (FL)	Vitter	
	Walden (OR)	
	Walsh	

NOT VOTING—10

Cox	Hulshof	Tanner
DeMint	Jones (OH)	Tauzin
Gephardt	Lantos	
Gutknecht	Rodriguez	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1756

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.

The title of the bill was amended so as to read: “A bill to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.”.

A motion to reconsider was laid on the table.

CONGRATULATING THE UNITED STATES AIR FORCE ACADEMY ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 386.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mrs. WILSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 103]

YEAS—420

Abercrombie	Baldwin	Berkley
Ackerman	Ballance	Berman
Aderholt	Ballenger	Berry
Akin	Barrett (SC)	Biggert
Alexander	Bartlett (MD)	Bilirakis
Allen	Barton (TX)	Bishop (GA)
Andrews	Bass	Bishop (NY)
Baca	Beauprez	Bishop (UT)
Bachus	Becerra	Blackburn
Baird	Bell	Blumenauer
Baker	Bereuter	Blunt

Boehlert Ford
 Boehner Fossella
 Bonilla Frank (MA)
 Bonner Franks (AZ)
 Bono Frelinghuysen
 Boozman Frost
 Boswell Gallegly
 Boucher Garrett (NJ)
 Boyd Gerlach
 Bradley (NH) Gibbons
 Brady (PA) Gilchrest
 Brady (TX) Gillmor
 Brown (OH) Gingrey
 Brown (SC) Gonzalez
 Brown, Corrine Goode
 Brown-Waite, Goodlatte
 Gordon
 Burgess Goss
 Burns Granger
 Burr Graves
 Burton (IN) Green (TX)
 Buyer Green (WI)
 Calvert Greenwood
 Camp Grijalva
 Cannon Gutierrez
 Cantor Hall
 Capito Harman
 Capps Harris
 Capuano Hart
 Cardin Hastings (FL)
 Cardoza Hastings (WA)
 Carson (IN) Hayes
 Carson (OK) Hayworth
 Carter Hefley
 Case Hensarling
 Castle Herger
 Chabot Hill
 Chandler Hinchey
 Chocola Hinojosa
 Clay Hobson
 Clyburn Hoeffel
 Coble Hoekstra
 Cole Holden
 Collins Holt
 Conyers Honda
 Cooper Hooley (OR)
 Costello Hostettler
 Cox Houghton
 Cramer Hoyer
 Crane Hunter
 Crenshaw Hyde
 Crowley Inslee
 Cubin Isakson
 Culberson Israel
 Cummings Issa
 Cunningham Istook
 Davis (AL) Jackson (IL)
 Davis (CA) Jackson-Lee
 Davis (FL) (TX)
 Davis (IL) Jefferson
 Davis (TN) Jenkins
 Davis, Jo Ann John
 Davis, Tom Johnson (CT)
 Deal (GA) Johnson (IL)
 DeFazio Johnson, E. B.
 DeGette Johnson, Sam
 Delahunt Jones (NC)
 DeLauro Kanjorski
 DeLay Kaptur
 Deutsch Keller
 Diaz-Balart, L. Kelly
 Diaz-Balart, M. Kennedy (MN)
 Dicks Kennedy (RI)
 Dingell Kildee
 Doggett Kilpatrick
 Dooley (CA) Kind
 Doolittle King (IA)
 Doyle King (NY)
 Dreier Kingston
 Duncan Kirk
 Dunn Kleczka
 Edwards Kline
 Ehlers Knollenberg
 Emanuel Kolbe
 Emerson Kucinich
 Engel LaHood
 English Lampson
 Eshoo Langevin
 Etheridge Lantos
 Evans Larsen (WA)
 Everett Larson (CT)
 Farr Latham
 Fattah LaTourette
 Feeney Leach
 Ferguson Lee
 Filner Levin
 Flake Lewis (CA)
 Foley Lewis (GA)
 Forbes Lewis (KY)

Linder Lipinski
 LoBiondo Frank (MA)
 Lofgren Franks (AZ)
 Lowery Frelinghuysen
 Lucas (KY) Frost
 Lucas (OK) Gallegly
 Lynch Garrett (NJ)
 Majette Gerlach
 Maloney Gibbons
 Manzullo Gilchrest
 Markey Gillmor
 Marshall Gingrey
 Matheson Gonzalez
 McCarthy (MO) Goode
 McCarthy (NY) Goodlatte
 McCollum Gordon
 McCotter Goss
 McCrery Granger
 McDermott Burr
 McGovern Burton (IN)
 McHugh Buyer
 McClinnis Calvert
 McIntyre Camp
 McKeon Cannon
 McNulty Cantor
 Meehan Capito
 Meek (FL) Capps
 Meeks (NY) Capuano
 Menendez Cardin
 Mica Cardoza
 Michaud Carson (IN)
 Millender Carson (OK)
 McDonald
 Miller (FL) Carter
 Miller (MI) Case
 Miller (NC) Castle
 Miller, Gary Chabot
 Miller, George Chandler
 Mollohan Chocola
 Moore Clay
 Moran (KS) Clyburn
 Moran (VA) Coble
 Murtha Cole
 Musgrave Collins
 Myrick Conyers
 Nadler Cooper
 Napolitano Costello
 Neal (MA) Cox
 Nethercutt Cramer
 Neugebauer Crane
 Ney Crenshaw
 Norwood Crowley
 Nunes Cubin
 Nussle Culberson
 Oberstar Cummings
 Obey Cunningham
 Olver Davis (AL)
 Ortiz Davis (CA)
 Osborne Davis (FL)
 Ose Davis (IL)
 Otter Davis (TN)
 Owens Davis, Jo Ann
 Oxley Davis, Tom
 Pallone Deal (GA)
 Pascrell DeFazio
 Pastor DeGette
 Paul Delahunt
 Payne DeLauro
 Pearce DeLay
 Pelosi Deutsch
 Pence Diaz-Balart, L.
 Peterson (MN) Diaz-Balart, M.
 Peterson (PA) Dicks
 Petri Dingell
 Pickering Doggett
 Pitts Dooley (CA)
 Platts Doolittle
 Pombo Doyle
 Pomeroy Dreier
 Porter Duncan
 Portman Dunn
 Price (NC) Edwards
 Pryce (OH) Ehlers
 Putnam Emanuel
 Quinn Emerson
 Radanovich Engel
 Rahall English
 Ramstad Eshoo
 Rangel Etheridge
 Regula Evans
 Rehberg Everett
 Renzi Farr
 Reyes Fattah
 Reynolds Feeney
 Rogers (KY) Ferguson
 Rogers (MI) Filner
 Rohrabacher Flake
 Ros-Lehtinen Foley
 Ross Forbes

Turner (TX) Udall (CO)
 Udall (NM) Udall (NM)
 Upton Upton
 Van Hollen Van Hollen
 Velázquez Velázquez
 Visclosky Visclosky
 Vitter Vitter
 Walden (OR) Walden (OR)
 Walsh Walsh
 Wamp Wamp
 Waters Waters
 Watson Watson
 Watt Watt
 Waxman Waxman
 Weiner Weiner
 Weldon (FL) Weldon (FL)
 Weldon (PA) Weldon (PA)
 Weller Weller
 Wexler Wexler
 Whitfield Whitfield
 Wicker Wicker
 Wilson (NM) Wilson (NM)
 Wilson (SC) Wilson (SC)
 Wolf Wolf
 Woolsey Woolsey
 Wu Wu
 Wynn Wynn
 Young (AK) Young (AK)
 Young (FL) Young (FL)

NOT VOTING—13

DeMint Matsui
 Gephardt Murphy
 Gutknecht Northup
 Hulshof Rodriguez
 Jones (OH) Rogers (AL)

Tancredo
 Tanner
 Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1804

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 581, SENSE OF HOUSE REGARDING RULES OF COMPENSATION FOR CIVILIAN EMPLOYEES AND MEMBERS OF THE UNIFORMED SERVICES OF THE UNITED STATES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-454) on the resolution (H. Res. 585) providing for consideration of the resolution (H. Res. 581) expressing the sense of the House of Representative regarding rates of compensation for civilian employees and members of the uniformed services of the United States, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. DREIER. I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 3550, and that consideration of the bill proceed according to the following order:

The first reading of the bill is dispensed with;

All points of order against consideration of the bill are waived;

General debate shall not exceed 2 hours and 40 minutes with 2 hours and 10 minutes equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure, including a final period of 10 minutes following consideration of the bill for amendment, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means;

After the initial period of general debate, the Committee of the Whole shall rise without motion; and,

No further consideration of H.R. 3550 shall be in order except pursuant to a subsequent order of the House.

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

There was no objection.

REFUSAL OF THE HOUSE TO EXTEND UNEMPLOYMENT COMPENSATION BENEFITS

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

Mr. BROWN of Ohio. Mr. Speaker, the House of Representatives again today refused to extend unemployment compensation benefits. Almost 1 million Americans since December have lost have seen their unemployment benefits expire. That is 1 million people. That is 1 million families, people who are looking for work, people who cannot find work in this economy.

In my state of Ohio, 300,000 people have lost their jobs. That is 2,000 people every week. Two hundred and sixty people have lost their jobs every single day of the Bush administration.

Their answer is more tax cuts for the wealthy, hoping it trickles down, and more trade agreements that hemorrhage jobs overseas.

We should extend unemployment compensation benefits to those 1 million workers. We should pass Crane-Rangel, a bipartisan initiative to give incentives to American manufacturers to hire Americans and to manufacture in this country.

COMMUNICATION FROM THE DIRECTOR, OFFICE OF PERSONNEL AND BENEFITS, OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore (Mr. KLINE) laid before the House the following communication from Estelle Jones, Office of Personnel and Benefits, Office of the Chief Administrative Officer.

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, March 29, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court of California, Riverside County.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ESTELLE JONES,

Director, Officer of Personnel and Benefits.

SPECIAL ORDERS

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

TALE OF TWO BUDGETS

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

Mr. EMANUEL. Mr. Speaker, the House is on the verge of passing a \$2.3 trillion budget with a \$521 billion deficit, showing that it is impossible to finance three wars with three tax cuts and come up with a different result outside of a \$521 billion hole in the budget.

This budget repeats the same mistakes that have resulted in a jobless economy and a wage recession in America. It continues the status quo of the administration's economic policies that have resulted in nearly 3 million Americans losing their jobs, 43 million Americans without health care, of which 33 million Americans work but have no health care, and 2 million Americans who used to be part of the middle-class and now are in the level of poverty, and wages are frozen, and \$1 trillion worth of corporate assets and individual net worth have been called into bankruptcies.

What do you do when have you this type of economic results? You think you would change your economic policies. No. This budget puts your foot on the accelerator, expecting a different result but repeating the same economic mismanagement.

During the 2000 election, President Bush said he was opposed to nation-building. Who knew it was America he was talking about? This budget and the President's economic vision is really a tale of two budgets: one for America, and one for Iraq.

We have spent well over \$100 billion of the taxpayers' money on Iraq's occupation. But here in America, we have gotten shortchanged. What do I mean by that?

In Iraq, we are offering universal health care and free job training. In

America, 44 million Americans are without health care; and nearly 8.2 million Americans are without jobs.

In the area of health care, 2,200 Iraqis are receiving and health professionals are receiving training, 8,000 volunteers are receiving medical training; and in America, under the President's budget, the health training funds cut by 64 percent.

One hundred and fifty health clinics and hospitals have been rebuilt to serve 3 million Iraqis, providing 100 percent prenatal and infant coverage. In America, under the President's budget, community health care clinics have been cut by 91 percent. Maternal and child health care, Healthy Start, family planning, all frozen.

Veterans, \$60 million is spent to retrain Iraqi veterans; and our veterans budget has been gutted by \$257 million. Veterans health care has been cut to where every veterans organization has opposed the President's budget and the budget passed here by the Republicans.

In the area of education, we have rebuilt 2,300 schools in Iraq. We have underfunded No Child Left Behind by \$8 billion.

Iraqi universities are getting \$20 million for higher ed partnerships. In America, we have cut Perkins loans; and Pell Grants have been frozen for the last 3 years.

Police. \$500 million is spent on the Iraqi police training, but the community police program in the United States has been cut by \$659 million.

In the area of housing, \$470 million is spent on Iraqi housing, yet \$791 million is cut from section 8 housing vouchers.

In the area of environment, we are paying for \$3.6 billion in water and sewer treatment facilities in Iraq. Here in America, in the President's budget, the Clean Water State Revolving Fund, which deals with all our clean water and drinking water for Americans, has been cut by \$500 million.

Ports infrastructure. The Port of Umm Qasar was completely rebuilt, and yet the Army Corps of Engineers cannot afford U.S. port security upgrades since their budget has been cut by 63 percent.

As President Bush seeks reelection, he can say he kept his commitment against nation-building. The problem is the target was America.

This is a tale of two budgets, one for America and one for Iraq; two priorities, one for America and one for Iraq; two sets of values, one for America, one for Iraq; and two sets of books, one for Iraq, one for America.

I have no problem investing in Iraq's future, but that future cannot be a more promising future than the one we promise here for our own children. Compared to how Americans view their futures, we cannot deny Americans the same dreams of affordable health care, education, police on the street, a safe place to live and job training.

America will no longer be the most generous nation in the world if the future they promise their children is one

that is less promising than one we are talking about overseas.

Now if your economic results here at home were nearly 3 million Americans have lost their jobs, nearly \$3 trillion has been added to the Nation's deficit in 3 years of budget, you would think you would change your economic policies. No. So what we will do is put our foot on the accelerator and press forward try and expect a different result, having tried 3 years in a row and producing the same result. We need a change and a new direction of the budget values and America's future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

MEDICARE MODERNIZATION ACT

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

Mr. CANTOR. Mr. Speaker, I am here tonight to talk about the Medicare Modernization Act, the reform bill that was passed by this body back in December.

I think the first question to ask is, who remembers what they were driving in 1960 or perhaps what a parent was driving in 1960? One of the most popular cars at that time was a Rambler; and if one thinks about the options available and the safety features in that car, we would really be amazed at how far we have come. There were no seat belts. There were no air bags. There were no GPS systems. There was just a lot different with vehicular travel back then.

And I think it is a wonderful analogy to think about when we are talking about health care in this country. Because Medicare in its inception in the 1960s really has changed very little over the years; and what we have is a situation where our seniors are faced with the same type of options, the same menu of services that they have had over the last 40 years. That is why we needed to pass the Medicare reform bill, and that we did.

The bill provides, I think, seniors with access to choices in health care, with easier access to health care, and it also provides immediate relief for the rising need for access in prescription drugs.

□ 1815

Under the Medicare Modernization Act, seniors have a choice. First of all, when we are talking about the prescription drug program, that program is completely voluntary.

It is voluntary, and seniors in my district, some of whom have existing coverage, will not have to participate in the program. It is not a one-size-fits-

all-type program. The design of the bill is to give seniors choices to better fit their families' needs as far as prescription drugs are concerned. So seniors have a choice whether they are going to sign up for the prescription drug coverage.

Also, if you look at the larger body of the bill and look at the choices that the seniors will have, they can actually now have a choice of the type of health insurance coverage that they access. Much like we do here in Congress, they have a decision to make about which plan bests fit their medical need. It puts seniors back into the driver's seat.

One of the, I think, most interesting parts of the bill is we really tried to improve the quality of health care that seniors can receive, much like many in the private sector enjoy today, much like we here as Members of Congress enjoy. We enjoy improved quality of care through accessing preemptive health care screenings. So in the Medicare bill, we included new screenings, diabetic screenings, blood screenings to detect cardiovascular disease. These are tests that are indicative of disease and have a broad array of applications. Medicare participants will now have access to these screenings.

Also, we put in a provision for a free physical for the new entrants to Medicare. There is also now a provision which allows seniors to access a disease management function. I know a lot of us know senior citizens who deal with a lot of specialists, and sometimes those specialists do not talk to one another. Well, this disease management function, while voluntary and optional, will and may help many of our senior citizens.

Also in the Medicare Modernization Act, we try to deal with the very pressing problem of low-income seniors, and we gave help to those who need it; and any senior who falls within 135 percent of the poverty level will now pay very little as far as their health care coverage and certainly as far as prescription drugs. Essentially, their drug bills will be eliminated.

I think the final version of this bill did include a provision which allowed for the creation of health savings accounts, I think something that is revolutionary and will, once again, put the spotlight back on the doctor/patient relationship and putting the seniors back into the driver's seat as far as which type of health care that they can access, and it also ensures that the seniors themselves can make their medical decisions without the intervention of a third party that may not be familiar with the particular health of that senior.

So, Mr. Speaker, I am here tonight to make sure that we in this body realize that we have gone and taken the first step toward modernizing health care for seniors. We have given them choice. We have given them hope for a discount on their prescription drug bills. This June, there will be the introduction of discount cards that will afford

seniors up to 50 percent of a discount on the cost of prescription drugs. So there is immediate relief that our seniors across the Nation will experience.

MEDICARE PRESCRIPTION DRUG BILL

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

Mr. BROWN of Ohio. Mr. Speaker, I came here tonight to talk about jobs and mismanagement of our budget and economy by the President, but we are going to have a moment's discussion on the previous speaker outlining the Medicare bill.

The fact is the prescription drug, Medicare privatization bill is not working for seniors, and it begs the question, why is the administration spending 80 million of our tax dollars to advertise this bill to try to get seniors convinced that this law works, and it does not even go into effect until 2006? The President has made a decision to spend 80 million tax dollars, instead of putting it into a drug benefit, spend 80 million tax dollars to convince people that this new drug law, this new Medicare privatization law is good for the public, when, in fact, the Medicare privatization bill increases the profits for drug companies in this country by almost \$180 billion; and this drug bill, this privatization bill gives a direct subsidy of tax dollars to insurance companies to Medicare HMOs of \$46 billion.

The reason the bill is not popular, the reason the law is not going to work is it was written by the drug and insurance industries. Why did the drug and insurance industries write the bill? Why did the President allow the drug companies and the insurance companies into the Oval Office to write this privatization bill? Frankly, because of major political contributions from the drug companies and the insurance companies to President Bush and to Republican leadership.

The word on the street in this town is that the drug companies are going to give \$100 million to President Bush's reelection. If that does not tell you something about this drug bill, this Medicare privatization bill, it speaks volumes.

JOB AND MISMANAGEMENT OF THE BUDGET AND ECONOMY BY THE PRESIDENT

Mr. BROWN of Ohio. Mr. Speaker, to shift gears for a moment, Vice President CHENEY came to my State, to Dayton, Ohio, to defend the President's economic record. In Ohio, one out of six manufacturing jobs has been lost since President Bush took office; 300,000 people in Ohio have lost their jobs. That is 2,000 people every week. That is 260 Ohioans have lost their jobs every day since President Bush took the oath of office on January 20, 2001.

The response to this bad news from the President and the Vice President, who seem so out of touch, do not seem

to understand people's anxieties, people's fears, people's difficulties when they lose their jobs, their answer is always more tax cuts for the most privileged people in society, the 1 percent richest people, hoping the tax cuts will trickle down and help the rest of the country and more trade agreements that send jobs overseas.

Mr. Speaker, I would hope that instead of Vice President CHENEY going to a fundraiser in Dayton, like he did, and then trying to defend the Bush economic plan, pretty indefensible, difficult thing to do, I wish the Vice President would have been with me in Akron, about 3 weeks ago in my district, meeting with a group of mostly Republican business owners, machine shop owners in Akron in Summit County, Ohio.

Right before I spoke to these 60 owner/operators of small machine shops, tool and dye makers and others, a gentleman walked up and put this stack of fliers on my table, a little bit more than this actually. He said this is 1 month of fliers that he has received from companies around the country that are going out of business. These are fire sale fliers from small businesses, manufacturers that are going out of business because of the Bush economic plan and because of the Bush budget.

Let me just show you some of these. A company in Cleveland, Ohio, auction, going out of business; company in Norristown, Pennsylvania, public auction; public auction company in Nashua, New Hampshire; machine tool auction, Tipp City, north of Dayton, Ohio; facility closed, all must go, Medina, Ohio; absolute auction, Cuyahoga Falls, Ohio, everything must go; plant closed, everything sells, Pittsburgh, Pennsylvania; Marion, Ohio, complete shop close-out action; high-tech manufacturing plant closeout, Elk Grove, Illinois, near Chicago; large-capacity fabricating machine shop closing, Bingham, Massachusetts; precision shop, CNC job shop downsizing, Houston, Texas, President's own State; complete stamping and machine tool shops, two of them going out of business, Mansfield, Ohio, the community I grew up in; public auction, Charlotte, North Carolina, everything must sell, plant closes; South El Monte, California, facility closing; public auction, Newark, New York. One thing after another.

The President does not get it. We should extend unemployment benefits. We should pass the bipartisan Crane-Rangel bill, which will give incentives, not the way the President does to all large companies including those that are moving out of the country, but those that provide jobs in the United States of America. This simply cannot keep happening in our country.

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.)

ORDER OF BUSINESS

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

OUTSOURCING AND FREE TRADE

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

Mr. HENSARLING. Mr. Speaker, recently there has been a great deal of discussion, angst and some protectionist legislation concerning the so-called outsourcing of American jobs to foreign countries. In fact, companies choosing to purchase services abroad have been termed "Benedict Arnold" companies by some.

But despite all the inflammatory language and distorted facts, the truth is that outsourcing is only one side of a two-way street known as free trade. Almost one-third of our economy is dependent upon that two-way street. Thus, we should examine the little-noticed other side of the street called insourcing.

Data from the Commerce Department shows that during 2003, the U.S. posted a \$53 billion surplus, surplus, in trade and private services with the rest of the world. We outsourced \$77 billion in services overseas, but foreigners turned around and insourced \$130 billion of services from the U.S. In other words, foreigners demand more of our services than we demand of theirs.

Unfortunately, Americans are presently hearing only one side of the outsourcing story. They only hear about the jobs that are going out of the U.S. They do not hear anything about the jobs coming into the U.S.

According to the Treasury Department, insourcing accounted for 6.4 million jobs nationwide in the most recent survey; and these insource jobs paid 16½ percent more than the average domestic job. Even though many foreign workers work for less, jobs are insourced into the U.S. because our workers tend to be better educated. They tend to have better skills. They tend to be more productive. We can compete internationally.

If you want to get a better idea of the kind of insourcing coming to America, let us just take a look at the automobile industry. Honda is hiring 2,000 new Americans in Alabama to build SUVs, and Nissan will add more than 2,000 jobs by expanding their plants in Tennessee and Mississippi. Toyota will add 2,700 jobs in my home State of Texas in the next 2 years. In fact, Mr. Speaker, foreign corporations now employ almost half a million workers in my home State. Nearly one in 10 jobs

in the U.S. is directly linked to the export of U.S. goods and services.

Now, protectionist anti-outsourcing legislation unfortunately threatens each and every one of these jobs. If we do not permit the outsourcing of jobs overseas, other nations will not permit the insourcing of jobs into the U.S. It is free trade that creates more job opportunities for the unemployed, increases their wages and improves the standard of living for American workers. Free trade also delivers a greater choice of goods and services to our consumers at lower prices. That means American families get better products using less of their paycheck.

Competition has always helped the consumer. It does not matter if that competition comes from Canada or Kentucky. Over the past few years, prices have dropped for a wide array of goods and services that face foreign competition. For example, TVs cost 10 percent less; computers cost 25 percent less. Yet we pay a lot more for services that do not receive foreign competition, goods and services, for example, college tuition, prescription drug goods, and cable TV service.

Those who care about creating jobs and reducing unemployment here at home should stop fighting free trade and its outsourcing component and start fighting the root cause of job flight overseas, mainly too many taxes, too many regulations, and too many frivolous lawsuits.

The Small Business Administration found in the year 2000 that Americans spent \$843 billion complying with Federal regulations. Too many mind-numbing regulations send jobs offshore.

Mr. Speaker, the cost of litigation now accounts for one-third of the price of the aluminum ladder. It doubles the price of a football helmet, and it adds \$500 to the sticker of a new car. Too much litigation sends jobs offshore.

The United States has a higher corporate tax burden than any industrialized nation with the exception of Japan. This even includes several of the former Soviet bloc countries. Too much taxation sends jobs offshore.

Mr. Speaker, beyond the obvious economic benefit of free trade, fundamentally we must recognize that nations do not trade with nations; people trade with people. Every American citizen and every American company should have the right to determine the origin of the goods and services they want to purchase.

With the exception of national security considerations, it should not be the role of the Federal Government to tell consumers or companies where they buy their goods. Besides our financial well-being, it is our fundamental economic liberty that is at stake.

□ 1830

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the

House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

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

PUTTING AMERICA'S WORKERS FIRST

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

Mr. GREEN of Texas. Mr. Speaker, I rise today to talk about the problem we have with America's unemployed workers.

My Texas colleague talks about how outsourcing is so good, and offshoring, well, I know it is not good in the area I represent because it is a blue collar district. For years and years we have suggested to our young people to go and get a high-tech skill so they can become a computer programmer, so they will not have to be a machine shop owner or a machinist, that they can go into the new economy. All of a sudden now we are finding out that that new economy, if you are making \$45,000 a year in the United States, you are having to compete with someone around the world who is happy to make \$15,000 a year with your same level of education. So we do have a problem.

Tomorrow marks the end of March and the 3-month period since the temporary extended unemployment compensation program began phasing out. During this last 3-month period, over 1 million American workers have exhausted their regular unemployment benefits and have been unable to receive additional help. There are 72,000 unemployed workers in my own State of Texas that have exhausted their benefits. There is no comparable figure in more than 30 years when this country has had so many unemployed workers exhausting their benefits.

Despite these undisputable facts, the administration and our Republican colleagues refuse to extend this important program, saying economic growth will yield job creation. Well, it has not for the last 3 years. Every indicator out there disputes this logic and tells the same story: This country is facing a jobless recovery. If it is a jobless recovery, it is not really a recovery where I come from.

Mr. Speaker, these indicators are bad enough, but, unfortunately, there is another story behind them that makes the outlook even worse. The unemployment rate is currently 5.6 percent, but the true story is that rate does not take into account the 2.8 million Americans who have given up looking for a job and left the labor force altogether. These Americans are just as unemployed as those counted by the Labor Department; and if we include them in our statistics, the true unemployment rate stands at 7.4 percent.

When we look at the job growth figures, we see that 21,000 jobs were created last month. The true story, however, is that none of these jobs were in the private sector. Furthermore, the country needs to add about 125,000 jobs a month just to keep up with population growth. If we count the net 2.3 million jobs that have been lost to this country since this administration took office and add the 4.7 million jobs that are needed to be created since then to support our population growth, we have a 7 million job gap in the labor market.

The measly job growth we have seen in recent months will not even begin to put a dent in that job gap; and, to make matters worse, the rolls of our long-term unemployed workers are growing. Technically, workers who have been out of work for more than 6 months are defined as long-term unemployed. Six months also happens to be the maximum length of regular unemployment benefits. Therefore, most economists consider the number of long-term unemployed workers as indicative of the need for temporary unemployment benefits.

If my Republican colleagues need further proof of our need for a temporary extension of unemployment benefits, I would encourage them to look at the number of long-term unemployed workers in this country. In each of the past 3 months, almost 1.9 million unemployed workers have been counted as long-term unemployed. America's long-term unemployed represent 23 percent of the country's total unemployed workers, at least those who are counted.

Moreover, the level of long-term unemployment is three times what it was when the recession began. Job growth in this country is, without question, weaker than any other post-World War II recovery period. As each week of this jobless recovery goes by, 80,000 more workers exhaust their unemployment benefits and have nowhere to turn.

A recent Congressional Budget Office study shows that, without these benefits, unemployed Americans double their chances of entering poverty and lacking health insurance. Mr. Speaker, the need for an extension of unemployment benefits has never been greater. In the absence of true job creation, it is imperative that these benefits be extended.

Again, when we see outsourcing, offshoring happening in the high-tech community, and we see the continual hemorrhaging of blue collar jobs being lost, our American worker's income security and their health depend on that extension.

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

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

CHILDREN'S EXPRESS LANE TO HEALTH COVERAGE ACT

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

Ms. CARSON of Indiana. Mr. Speaker, I rise today to invite my colleagues to cosponsor bipartisan legislation authored by Senator RICHARD LUGAR in the United States Senate and myself in the House of Representatives known over here as H.R. 4031. The measure will help States in their efforts to enroll income-eligible children in the States Children's Health Insurance Program, commonly referred to as SCHIP.

As you know, Mr. Speaker, despite gains in recent years, nearly 9 million children in the United States remain uninsured. Of those, nearly 7 million children are eligible for public health insurance coverage. H.R. 4031, the Children's Express Lane to Health Coverage Act, builds on the successful legislation of the 106th Congress that provides States with the option of using the National School Lunch Program, the Women's, Infants, and Children Program to identify uninsured children eligible for benefits under the SCHIP and Medicare program. Many States have used this cost-saving option successfully to promote the well-being of income-eligible children.

While existing law does allow children to be income-eligible for WIC based on their enrollment in the Medicare program, it does not give the States adequate flexibility to make an income determination for eligibility for the Medicaid and SCHIP program based on the uninsured child's enrollment in WIC or another public program.

The Children's Express Lane to Health Coverage Act will give States the option of establishing that their Medicaid or SCHIP financial eligibility rules are satisfied when a family presents proof that their child is already enrolled in another program with comparable income levels. Current Federal law does not provide the flexibility that is necessary for this.

If we are to give our children, Mr. Speaker, a jump-start with quality health care and quality health insurance, I would encourage strongly that my colleagues consider becoming cosponsors of H.R. 4031, which is affectionately known as the Children's Express Lane to Health Coverage Act. It is vital, it is important, it is for our Nation's children.

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

FREE/FAIR TRADE AND UNEMPLOYMENT

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

Mr. RYAN of Ohio. Mr. Speaker, I hail from the Great State of Ohio, where we have lost 300,000 jobs since George Bush has been President, 2,000 a week, 260 a day. In Youngstown, the biggest city in my district, we have an unemployment rate of 16 percent. In the city of Warren, the second largest city in my district, we have an unemployment rate of 14 percent. This President's economic policies are clearly not working in the industrial Midwest.

Now, the gentleman from Texas who was up a few moments before me was talking about all of the benefits of free trade, and he said that it increased wages in this country, he said it increased the standard of living in this country, and he said that it lowered prices for consumers in this country. I do not think we can challenge the fact that free trade has clearly lowered prices or kept prices from getting out of control and from skyrocketing. I do not know if they clearly show the level of savings. I think the savings by off-shore cheap labor has been a boom for the corporations but not necessarily a boom all the way across the board for consumers.

But what I want to talk about tonight is just a few issues that I think the American people are beginning to recognize and understand.

First, on the issue of unemployment benefits.

We have human beings, we have workers who work throughout the United States of America who are running out of unemployment benefits, who are going to have nothing left, and we want to talk about the intellectual battles of free trade while United States citizens are going to fall through the cracks.

This administration's priorities have been tax cuts, tax cuts, tax cuts to the top 1 percent. They are a one-trick pony, this administration is and this Congress is. A one-trick pony. Tax cuts are the answers for any social ill that we have here, and it is not working.

Second, the debate between free trade and fair trade, I think, has been obscured. You are either for free trade, or you are against it, and you are for putting up protections and not agreeing to any trade whatsoever. When I talk about fair trade, I think we need to look at the issue on the whole, and we need to say to each other what the benefits of trading are and what are the downsides of free trade are.

The downsides are obvious. We are displacing workers. We have unemployment rates going through the roof. We are losing good-paying jobs for menial-wage jobs, and we are competing with a labor force that is getting paid nickels an hour, no health care benefits, no environmental relations, no OSHA, and we are asking American workers to

compete with that. We cannot even get international labor organization standards put into our free trade agreements which just say no child labor, no slave labor in these other countries. We cannot even get those into the agreements we sign.

We are not asking for everything. We are asking for basic human rights in the trade agreements that we sign.

When a lot of us talk about fair trade in this country, at least, at the minimum, have a social safety net that addresses unemployment benefits, that addresses health care insurance for people. How much anxiety would be relieved if you did lose your job if you knew you were going to have health care provided for you and your family.

Every time free trade agreements have come before this House and before this country, the commitment was always made that we had to invest in education. Meanwhile, in Ohio, the No Child Left Behind provisions are underfunded by \$1.5 billion, with a "B", a year. That is \$1.5 billion. So if we want to grab the last 25 percent of the kids and pull them across the finish line, which is what No Child Left Behind is supposed to do, and we are going to have all these Federal mandates, the Federal government must make a decision. Are we going to give tax cuts to the top 1 percent or are we going to invest that money in the No Child Left Behind so that every single child in this country will have an opportunity to compete on an already uneven playing field in the global economy?

Investments in research and development through the Veterans Administration are being cut. The facts are that we have told our kids that they must make investments in themselves and in their education through going to college, and yet we see the Pell Grant not keeping up with inflation and we see children not having the opportunity to live and work in a country where there is a reasonable wage and an opportunity for upward mobility.

We are trying to argue comparative advantage, a doctrine that was established in the early 1800s. We need to change our policy. I never thought that we would be asking for Newt Gingrich to come back and bring some reasonableness to this Congress.

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

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

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

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

GASOLINE PRICE HIKES

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

Mr. PALLONE. Mr. Speaker, gasoline prices have hit an all-time high. The national average for gasoline is now \$1.77 per gallon, up 25 cents from the beginning of the year; and President Bush is doing nothing to alleviate the strain that this is taking on the American people, on American businesses and on the American economy.

Mr. Speaker, high gas prices impact all of us, consumers and businesses alike. High fuel costs translate into a loss in profits margins for the manufacturing and transportation sectors that force prices for products and services higher, hitting American consumers twice. Not only do Americans need to dole out more cash to fill their gas tanks with the little disposable income they have left, they are forced to pay higher prices for goods and services.

□ 1845

For instance, Continental Airlines sought to impose a fuel surcharge for their services. And the real impact of all this is a slowdown in the economy with the potential for even more job loss. In fact, an estimate by Merrill Lynch shows that every penny increase in gasoline prices at the pump is equal to \$1 billion in lost consumer spending. That is nearly \$25 billion in lost spending since the beginning of the year.

Furthermore, Merrill Lynch estimates that while Federal tax refunds would total \$55 billion from February to May this year, a 30 percent increase from last year, and theoretically give the economy a nudge, higher pump prices will wipe out as much as half of the positive economic impact that these Federal refunds might have had.

Mr. Speaker, I would like to point out, too, that this is happening on the watch of an administration that said they would make energy policy a priority in the United States. Yet more than 3 years after President Bush first stepped in the White House, we have no national energy policy, and we have no national energy policy because the bill that the White House presented to Congress was filled with an extraordinary collection of energy industry giveaways, crafted by the members of Vice President CHENEY's secret energy task force, instead of meaningful policies that would increase fuel efficiency and the use of renewable and alternative energy sources.

Mr. Speaker, there are two things that President Bush must do immediately. First, he must hold off placing more oil in the Strategic Petroleum Reserve until prices come down. The SPR, or the Strategic Petroleum Reserve, is a power tool that the President can and should use in times of need, and right now consumers need relief. If President Bush reduced the amount of oil placed in the petroleum

reserve, we would have more on the market driving prices down for Americans now. The SPR can then be replenished when oil prices are lower.

Second, Mr. Speaker, President Bush needs to get on the phone with OPEC and demand increased oil production. Recent news indicates that OPEC has hinted at plans to lower production by 1 million barrels per day after April 1; and the administration's response to this from Secretary Abraham is that the U.S., and I quote, "will not beg OPEC for oil." That is a different tune than the one that candidate Bush sang during the 2000 election. Four years ago on the campaign trail, President Bush, in a swipe at President Clinton, said, "What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say, we expect you to open your spigots and the President of the United States must jawbone OPEC members to lower the price." Mr. President, put your action where your mouth is and insist that OPEC increase production now to alleviate the strain these high gasoline prices are having on the American people and the American economy.

Mr. Speaker, we cannot afford to lose more jobs because of the President's inability to address this problem. He needs to address it now, and I think we should continue to take issue with it and bring it up on the floor until he does.

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

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

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2004.

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

DEAR MR. SPEAKER: Effective March 30, 2004, I hereby resign from the Committee on Agriculture.

Sincerely,

KEN LUCAS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

PRESIDENTIAL SUCCESSION

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

Mr. BAIRD. Mr. Speaker, I rise today to address a matter that we would all

prefer to hope we never have to address, but that after September 11 we must address. I would ask my colleagues and friends to imagine the unimaginable. Imagine that the American people are going about their daily business while Congress is meeting in full session here in the House and the Senate is doing its business and suddenly the national news wires, television and radio are interrupted. They are interrupted by an announcement that a nuclear weapon has been detonated without warning in the Nation's Capital. The Capitol has been destroyed. The White House has been obliterated. It is evident that in all likelihood all Members of the House and Senate have perished, that the administration, the President and Vice President and most members at least of the Cabinet have been killed, that the Supreme Court has likely been killed along with thousands of our fellow citizens and government workers. At that moment, we must have an answer to the American people of what happens next, and at this moment we do not have an answer to that question.

It has now been 2½ years since September 11. On that fateful day, not only did we see live on television as thousands of our fellow citizens were killed in an horrific manner, but what we did not know was that a fourth plane was coming here in an attempt to kill everyone in this building and that were it not for the heroism of the passengers on that flight and fortunate circumstances that delayed it by a few moments, many of us would likely have perished.

The question then arises, what would happen in this event? We know that it is possible. We know that our adversaries seek nuclear weapons. We know that our adversaries seek chemical and biological weapons. And we know that in this era it is very possible, indeed probable, that one day they may obtain such weapons. Yet, Mr. Speaker and my friends, we have not prepared for congressional succession, and there are grave problems with the Presidential succession law.

Let me walk you through, if I may, a scenario of what might happen. First let me start with the Constitution. Under the Constitution of the United States, a quorum to do business is made up of a majority of the Members. House rules stipulate that a quorum is made of the majority chosen and sworn and living. Let us suppose that three Members of the Congress are on a trip abroad and while they are overseas, they witness this horrific event. Everyone else in this body has been killed. The President and the Vice President are dead. America is in crisis to say the least.

Those three Members under current House rules could declare themselves a functioning House of Representatives. They could elect one of the three the Speaker of the House of Representatives. Under current succession law, the third in line to the Presidency is

the Speaker of the House of Representatives. Let us suppose further that those three are from a party other than the current President. What we now have is a situation where three surviving Members of a catastrophe, randomly chosen more or less by events, have now become the entire House of Representatives, have chosen one of their own Members Speaker and that person has acceded to the role of Presidency.

We now also have a situation where under our system of checks and balances, the article 1 provisions of the Constitution, declaration of war, approval of spending and taxation, and a host of other issues that are the rightful jurisdiction of this body and the Senate working together are presumably going to be carried out by two or three surviving Members, if there are survivors; or we would have a President who could say that because there is no Congress, the President is declaring extra-constitutional powers, conceivably taking our Nation into war without a vote of the Congress, conceivably imposing martial law, conceivably spending hundreds of billions of dollars and doing a host of other events with no representation from the people of the States as a check and balance on that person.

And who might that person be? If it is not the Speaker of the House or the President pro tem of the Senate, it would most likely be a Cabinet member, assuming a survivor. I think we need to be frank. Cabinet members were never elected to their post. They were approved by the Senate, but they were not elected; and we need to be more frank still. Most Americans have not a clue, once you get past a couple of the top Cabinet members, just who they are. So if one of the lower Secretaries emerges on TV and says, I am now the President of the United States. Because there is no functioning Congress, I have authority to take this country into war, would the American people give that legitimacy? I do not think so. Would the Founders have given that legitimacy? I doubt that still further.

We must face this problem, and we must face it before the time comes. Because when that happens, should it happen, the very institutions charged with crafting a solution will have been destroyed in the very event that demands a solution. And who will be left? The American people will be left wondering who is their Representative in Congress. How does our constitutional system of government function? The world will be left wondering who now has control over nuclear weapons and on what checks and balances can we rely that that person will conduct themselves responsibly?

One of my good friends and colleagues has actually looked at this matter extensively, the matter of Presidential succession. The gentleman from California has offered a resolution that I think would address this, and I

would encourage our colleagues to bring this up for a vote at some point soon, certainly before we need it. I would ask my friend from California to describe his resolution and some of the challenges it would address.

I yield to the gentleman from California.

Mr. SHERMAN. I thank the gentleman for yielding and for his dedication to the importance of assuring the continuity of our government.

We here in Washington have erected these concrete barriers, blocking this road, blocking Pennsylvania Avenue, all to assure the survival of our physical embodiment of our government. We must make sure that we have done just as much to protect the identity of those who will make the decisions. Our laws should be as strong as our concrete barriers. In the post-September 11 world, that which was just thought to be a distant possibility must now be something that we plan for. The line of Presidential succession determines who becomes President after the President and the Vice President if they are both permanently or temporarily unable to carry out their duties.

We can change this without amending the Constitution. It is the 1947 Presidential Succession Act which currently governs. In fact, going back to the statute that existed before 1947 would be a substantial step in the right direction and would deal with many of the problems that I will identify here tonight. Not only is this an issue that we can solve without amending our Constitution, it is one that is critically important to solve for two reasons.

First, as important as Congress is, and I am proud to serve in this body, in the days following a catastrophic attack, knowing the identity of the Commander in Chief will be perhaps the most important legal issue to deal with that crisis. And, second, while it would take a nuclear bomb, perhaps, to destroy a majority of the Members of the House or the Members of the Senate, it does not take anywhere near such a catastrophe to have the President and the Vice President not able to serve. In fact, John Wilkes Booth came within an inch of doing it in 1865, and he did not have any nuclear weapons. Yes, he killed President Lincoln. He also tried to kill the Secretary of State and the Vice President of the United States. Those other assassination attempts failed. So muskets or hand revolvers have been sufficient to bring us close to a position where we would move through the line of succession.

What is that line of succession now? Right after the Vice President is the Speaker of this House. That creates a few problems, illustrated in a "West Wing" scenario. It was as if "West Wing" had focused on the bill that I introduced to this Congress very early in 2001. In that scenario, you had no Vice President serving, the Speaker of the House was of another political party, and the President was only temporarily incapacitated. What happened on

television was not quite believable to those of us who live in the politically charged atmosphere here in Washington. The President temporarily gave up the Presidency to a person of another political party, voluntarily and under a circumstance where he would have legitimately continued to retain the Presidency, but he thought that the kidnapping of his daughter in this scenario made him too preoccupied to serve. What about the real Washington? Would a President whose family circumstance makes it difficult or impossible to continue to serve temporarily give up the White House to somebody of the opposite philosophy? One can only imagine the aides coming and saying, Mr. President, don't do it. There will be 500 pieces of legislation signed into law within the first hour of your incapacity.

□ 1900

In addition, under this scenario, the Speaker agreed to assume the presidency, had to resign his seat in the Congress, served as President for only a day or two, and then left public service. Would every Speaker of this House be willing to resign their seat in Congress for an hour or two or a day or two in the White House? And if not, what does that do to our system?

The answer is that we must maintain a system in which the philosophy that governs in the White House is the same throughout a 4-year term in office. This is important for a number of reasons. First, let us say the office of Vice President was vacant. Our friends wonder whether a heart attack or an assassination could suddenly change the direction of America. The stock markets wonder whether all economic policy could change with one ill-fated bad effect on one man or woman's health. Not a good situation. We should have continuity of philosophy in the White House throughout the 4-year term.

Not only that, it encourages assassins. Imagine either a group of fanatics or an individual lunatic believing they could justify their act because they were not just killing an individual man or woman, they were radically changing the philosophy that governed here in Washington.

Who is fourth in line? Fourth in line is the President pro tempore of the Senate. Yes, that means Mr. Strom Thurmond. An individual who served this country quite long as a United States Senator in his 98th year was third in line to serve as President of the United States. Could al Qaeda come up with a better plan than the death of three individuals vesting the presidency in a man who at that time had seen better days? I think that in a world of suicide assassins, we are negligent in our duties if we do not revisit the 1947 Presidential Succession Act.

There will be those who say we have muddled along so far without having to worry about this. Clearly, the events of 9/11 illustrate that we have to protect ourselves not just from what has hap-

pened but from that which might happen.

There are a number of possible solutions. I put before this House, in I believe it was February of 2001, a bill which I reintroduced in the current Congress that would provide two things: First, it would deal with one final problem I have not had a chance to identify here and a problem that is also substantial. That is a current law not only goes through a list of those who would succeed to the presidency that causes the problems I have outlined but is also unclear particularly in the circumstance in which someone succeeds to the presidency because they were third, fourth, or fifth on the list and then someone else is confirmed or elected to be second on the list. What happens if there is no Speaker of the House and the President pro tempore succeeds to the presidency and then this body meets and elects a Speaker? Do we bump the person who succeeded only because they held that less-high-in-line position? That is something we need to clarify in our statutes.

So I presented a bill that solved that problem and identified that, once somebody became President, they stayed as President through the end of that term, and also identified that the second in line to serve would be either the Speaker or the minority leader, whichever was designated by the President, and whoever would serve after that would be either the majority or the minority leader of the other body. What this would assure under this scenario is that whoever succeeded to the presidency would have been elected by their State or district and selected by their colleagues for a position of national leadership, not as the President pro tempore is for a position of ceremonial honor.

Another solution, a simpler one, is to simply take Congress out of it, have the line of succession go through the Cabinet.

A final idea put forward by Norm Ornstein, a scholar who has studied in this area, is to create a list of several governors selected by the elected President to be in line of succession and have them become Federal officers by giving them a ceremonial position perhaps as head of their own National Guards so that they could be in line.

As the gentleman from Washington pointed out, it may be that we do not want the line of succession to go all through the Cabinet even to Cabinet officers not well known by the American people so a hybrid solution would be that the line of succession would go through the top five or six Cabinet officers and then to a list of five governors selected and ranked in a document filed with the House and the Senate by the then serving and inaugurated President.

So there are several ways to solve this constellation of problems. There is one thing that it is simply criminally negligent for us to do, and that is to ig-

nore the problem until it happens. To do so invites assassination. To do so invites people around the world to wonder whether there will be a sudden shift in policy or whether the United States will be temporarily unable to respond because the identity of its President cannot be determined with a legitimacy that is accepted by all the American people.

It is time for us to act on the Presidential Succession Act of 1947 and to adopt the amendments or a change of it this year.

I thank the gentleman for his great generosity in yielding to me.

Mr. BAIRD. Mr. Speaker, could I ask my colleague a question if I may? There is a recent book out, I think, called *The Vulcans*, and we have read over the last couple of decades of plans for shadow governments, shadow administrations. I do not recall reading in the Constitution of the United States that the executive branch is empowered to create a shadow government. I do not recall reading it. I do recall, correctly I believe, that the Congress is empowered to provide through statutory language mechanisms to replace the President and the Vice President should those two seats be vacant.

In the gentleman's estimation and thought, as he has spent a great deal of time, which does he think would have more legitimacy with the American public, a public process enshrined in statute, debated thoroughly by the House and Senate and passed into law that gives a clear cut, unambiguous line of succession for who will be President and Vice President or a shadow government created covertly and operating covertly to run the institutions of this country without a Congress to exercise oversight?

Mr. SHERMAN. Mr. Speaker, clearly, the gentleman from Washington will not be surprised if I say that a clear and transparent system for installing a successor President would be preferable.

There are some plans to deal with top-level civil servants in the bureaucracy and to see if this civil servant is unavailable, that civil servant would do his or her job. But all of this must take place under a legitimate President, and the fact that our present statute has all the problems I have outlined, from ambiguity to lack of continuity of policy, creates a circumstance where we could have a careful scenario as to which bureaucrats are running what and no scenario as to who is overseeing the whole group.

Mr. BAIRD. Mr. Speaker, I thank the gentleman very much for his remarks. Have there been hearings yet on the gentleman's legislation?

Mr. SHERMAN. No. As I said, I introduced it in February or May of 2001 in part because I was analyzing how our institutions could be improved in light of the difficulties of December, 2000, and I was not surprised that I was not able to get a hearing then. But in the months after September 11 when we

have been so concerned about what terrorists could do to our country, I am frankly flabbergasted that the House Committee on the Judiciary has not considered amending the 1947 Presidential Succession Act.

Mr. BAIRD. Mr. Speaker, let me make one other observation that I find admirable on the gentleman's part. He and I are from the minority party. We are both Democrats. Everyone knows the administration is from the Republican side of the aisle. The gentleman's resolution assures that the President would stay in the hands of the Republican Party if he were to perish, at least the presidency would. So the gentleman is actually stepping up to the plate and saying he is ensuring that the President's Party would stay in power if the resolution were to pass and that circumstances could not create a scenario whereby, through catastrophe or assassination, the power of the presidency could shift parties. Is that accurate?

Mr. SHERMAN. Mr. Speaker, that is not only accurate, but it was more accurate when I initially introduced the legislation. I introduced the legislation in early 2001. I expected the gentleman from Missouri (Mr. GEPHARDT) to become Speaker after the 2002 election; and I could just imagine how secure the undisclosed location where Vice President CHENEY resided would be if the person coming after him in the line of succession was the gentleman from Missouri (Mr. GEPHARDT), our good friend and colleague. So, yes, I introduced legislation which would have vested the presidency, had the catastrophe occurred, in a member of the party selected by the President of the United States, even if we Democrats had been in the majority in 2003 and 2004.

Mr. BAIRD. Mr. Speaker, I respect that, because one of my principles about this whole debate has been that it should not be a partisan issue. The continuity of our government is not a Republican issue. It is not a Democratic issue. It is an issue for all Americans; and, indeed, it impacts the entire world. It is admirable that the gentleman has created a mechanism in his proposal that is nonpartisan in the sense that it would allow whichever party has been elected to the presidency to maintain that role in the executive branch even under times of catastrophe, and I think that is admirable.

Is there anything else the gentleman would like to add before I move on to discuss congressional continuity?

Mr. SHERMAN. Mr. Speaker, I just want to commend the gentleman for his work on congressional continuity, and I know that the Committee on the Judiciary may focus on congressional continuity first. I hope they focus on both these issues as soon as possible.

Mr. BAIRD. Mr. Speaker, I thank the gentleman very much for his remarks.

I should emphasize that we are by no means the only people who are working

on this issue. Admirable and outstanding work, I think, was done by a working group within the Congress for a time period. That committee was chaired by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST), who I think did yeomen's work. In addition, a number of other people participated.

Other resolutions providing for continuity of the Congress, who are for a remote Congress should unique circumstances arise, have also been introduced. The gentleman from Connecticut (Mr. LARSON) has a proposal for an amendment to the Constitution to provide for continuity. The gentleman from California (Ms. LOFGREN) does as well; and the gentleman from Rhode Island (Mr. LANGEVIN), a former Secretary of State from Rhode Island, has proposed a way we could have a remote Congress in extraordinary circumstances such as a threat or an outbreak of infection. All of those folks have done an outstanding job of presenting options, and we ought to be able to discuss them.

I would also commend to my colleagues I think an outstanding service to our country. The Brookings Institution and the American Enterprise Institution formed a bipartisan group of distinguished scholars headed by Lloyd Cutler and Alan Simpson, two statesmen if ever there were people to whom that title would fit, and filled in by scholars and former Members of the Congress, legal scholars, constitutional experts. I would commend my colleagues to their work. It is available at Continuityofgovernment.Org, and I would encourage my colleagues to study this work. It reviews the history of continuity issues. It reviews how special elections can be held. It outlines in careful detail the problems that would arise were an attack to occur, and I think it is, again, a service to our country.

□ 1915

One of the things that emerges from this document is that after close to a year of deliberation, that distinguished committee reached one conclusion, and the conclusion was something they resisted. The conclusion was that we cannot solve adequately the question of continuity of the House of Representatives without a constitutional amendment.

I would underscore this fact. Not one member who served on that commission, and, again, it was a bipartisan commission, not one member began their service thinking that they wanted to amend the Constitution even to address something of this magnitude. But they all agreed after studying the matter that, regrettably, in order to provide real continuity, we must amend that magnificent document. No one races into that, no one sets out to amend the Constitution lightly, but we must have continuity of this government.

Let me walk through, if I may, a few of the issues that could arise that have

not yet been addressed. I talked a little bit about what constitutes a quorum. Remember that our government is bicameral, our legislative branch. We have a House and a Senate. The framers wanted the various regions of our States to have their own representatives. And it is absolutely true that no one in this body has ever served who was not elected. We hold that very dear to our hearts. Some have said under no circumstances should we deviate from that.

But here is the problem. The Constitution says that if vacancies occur in the House of Representatives, executives of the States shall issue writs of election. Under normal circumstances, where you have lost one or two Members and have 430 or 434 to continue the people's business, it is not a problem. But when you have two surviving Members, or no surviving Members, you are left without a House of Representatives until you can have an election.

How long does it take to have an election? We have spent a great deal of study and time on this. If you talk to various people who are experts in this field, different numbers emerge. But the critical point is this: even the fastest number you can come up with, until that time can be completed, you are without a House of Representatives.

Frankly, most people with whom I have spoken who are experts and scholars in this field have suggested that a minimal probable length of time would be about 3 months. From the time of catastrophe in order to have real and meaningful elections, would be about 3 months. Anything less than that poses extraordinary logistical challenges and poses some real constitutional challenges potentially.

Some have proposed, and I disagree with this proposal, but some have proposed that we mandate elections within 45 days of a catastrophic loss of Members.

Let me be clear about something: everyone agrees who studied this issue that we want to maintain the tradition of special elections for permanent replacement of Members. But this Continuity of Government Commission and myself and many other scholars have said we are gravely concerned about a 45-day period with no House of Representatives, because how do the article I of the Constitution functions get carried out without a House of Representatives? Who carries those out? Who assumes those?

Yes, it is true that no one has ever served in the House of Representatives that was not elected. But it is also true our country has never functioned without a House of Representatives. It has never functioned under an executive branch alone.

Some have said if there were a catastrophe, the survivors would do the right thing. There is an assumption of survivors, first of all, which there may well not be. But, beyond that, the reason the framers created checks and balances is they were gravely concerned

about vesting too much power in the hands of an individual without checks and balances. They rebelled against such a system. The revolution was all about overthrowing an unelected monarchy who functioned without effective checks and balances.

To assume that a survivor who assumes the executive branch would do the right thing and that we do not need a Congress for up to 45 days strikes me as a direct insult to the fundamental insights of the people who wrote our Constitution, even if you could have a 45-day election. But how would we get to 45 days under the proposals that have been offered?

Well, the Congress, which has constitutional authority to do so, would tell the States you cannot have a primary election because there is not time. Instead, the major political parties will select the candidates, thereby disenfranchising all the voters from choosing the candidates in the primary and thereby prohibiting most people who could run for office from standing for candidacy.

What is more, in an expedited election of this sort, Americans living overseas, including very likely the very young men and women who would be dispatched to try to defend our country, could well be disenfranchised because there was not the time to get them the votes and get them ballots.

So the proposals that we could have a mandated 45-day election leave our country with no functioning Congress for 45 days, and I should say as long as 75 days if it is proximal to a pending regular election; no House of Representatives, no article I functions; further, they mandate that the States allow the parties to select the candidates, when our dear Constitution has never once mentioned the word "party" in its entire history. They disenfranchise independents from standing for office, they disenfranchise overseas voters.

And there are still more problems. Under this 45-day mandate, what happens if one State manages to conduct its election in 30 days, and if newly elected Members arrive at Congress and they are the first ones here and say there is nobody else here, we declare ourselves a functioning House of Representatives, and elected one of our Members Speaker of the House, who, by the way, under some circumstances could thereby become the President?

Two days later yet another State, somewhat larger this time, gets its elections completed, and they arrive at the House of Representatives, and their Members are sworn in. They say we have more Members now. Someone from our State will be the Speaker of the House of Representatives. And so it goes, until at last everyone is here. Is that what we need at a time of the greatest crisis in our Nation's entire history, that sort of ambiguity? I submit that it is not.

There is a further problem. If we pass a law that says all States must con-

duct elections in 45 days, what happens if this institution is struck by a nuclear weapon and some State capitals are taken out simultaneously? Al Qaeda targeted four different sites on September 11.

If they target Washington, D.C., New York City, and Sacramento, California, do the people of New York, do we really expect them to conduct a special election within 45 days after New York City has been hit by a nuclear weapon? Do we expect California to do so after its capital has been destroyed? Or do we just pretend that could not happen and hope for the best? I think we have learned in the last few weeks that hoping for the best does not work, that we have to prepare.

There is an alternative, and it is an alternative I reached with great contemplation and with great study by some of the most distinguished scholars I could speak with, and here it is:

It is that we must find a way to temporarily, and I emphasize temporarily, reinstate this House of Representatives as quickly as possible in order that the people's business can be conducted, that we have checks and balances, that we have proportionate representation, that it is not just an executive or, even worse, a shadow government running our country.

To do that will, regrettably, require a constitutional amendment, but it is not something that will sound extraordinary when I explain it. It is this: the people have elected us as their representatives to make decisions as profound as taking our Nation into war, as taxation and a host of other issues described in article I of the Constitution.

If upon our election, we generate a list of potential successors who could only assume our position if we are killed or incapacitated, and only if that death or incapacitation happens in the course of a catastrophic event, and only for the circumstance that it is temporary until a special election can be held, we would be able, within a week of a catastrophic event, to reinstate the entire House of Representatives and restore our functioning constitutional government.

Let me give you my own State as an example. In Washington State, if we were to create a list of potential successors who would take our place only in catastrophic circumstances, not in the normal course of events, that list could include former Speaker of the House of Representatives Tom Foley. It could include, on the Republican side, Slade Gorton, a man for whom I have the utmost respect. It could include, on the Democratic side, people such as Don Bonker, Al Swift, our Governor, Gary Locke. It could include on the Republican side former Governor and former U.S. Senator Dan Evans, Sid Morrison, former U.S. Representative and former Secretary of Transportation. These are distinguished individuals.

And here is the choice, my friends. If that horrific day happens and if that

announcement comes on television, we must have the media know what to tell the American people, and they can either say for the next 45 days a shadow government will run this country with no checks and balances and no representation from you, the people; or they can say your representatives in their best judgment have created a list of statesmen and stateswomen who will temporarily fill their seats until you can have real special elections.

Then, instead of confusion and chaos and hasty disenfranchising elections, we would have a functioning Congress made up of distinguished statesmen and stateswomen who would take care of this country, who would do the right thing. And I would warrant that many of those people would not even stand for reelection or for new election. They would instead serve until the election could be held, and hand the country back to the newly elected people.

What I most ask is that we have an opportunity to debate this. It is 2½ years now since September 11. I began to work on this the night of September 11. I began to talk to the leadership of this body within a week of that time. And I have asked, pleaded, negotiated and discussed; and we still have not had serious consideration by this body.

On September 10, 2001 thousands of our fellow citizens had no idea that the next day when they kissed their families and went off to work, when they fixed their breakfast cereal, when they rode the elevators to their office or walked from the parking lot of the Pentagon in, they had no idea that they would be dead at the end of that day.

We do not know in this body if on any given day it is the morning of September 11, or if it is September 10 and the next day we will all perish. We do not know that. But we have to assume that there are people in the world who would dearly like to bring that about.

We do know that the weapons of mass destruction are out there. We know that a nuclear scientist from Pakistan essentially had an Amway-like system to help develop nuclear weapons internationally. We know the fissionable material is available in abundance, and we also know that if someone uses it, we are ill-prepared to address the outcome.

I have offered a rule for debate. The rule seeks to achieve fairness. What it does is it invites not only my proposal, but proposals by other Members of this Congress to resolve this issue, to be brought up before the entire body for discussion.

It says essentially, if you have a better way to do it, we are all ears. Let us hear it. Bring it up for debate. We will debate a series of potential solutions. Whichever one gets the most votes will become the new base bill. We will then take several days for contemplation, much the way the framers themselves would bring an issue up for discussion and then either recess for several days for contemplation or invite a subcommittee to review it further.

We would take several days for contemplation, because this is a matter of the utmost seriousness. Then we would bring that base bill which had received the most votes back with an opportunity for amendment, and then we would proceed to a final vote.

I would hope we could get the necessary two-thirds on that process, and I would hope it for this reason: that if we do not find some solution, be it mine or someone wiser than me, we leave this country subject to chaos and constitutional ambiguity and unelected shadow governments, which I think would mortify the people who wrote that magnificent document, and I think would mortify most Americans, should that event occur.

□ 1930

So I will ask my colleagues to consider the resolution that I have put forward. It is H.J. Res. 83. I think it is rather simple, as most constitutional amendments should be. I think it is reasonable. It should be a bipartisan effort.

If one is not compelled by H.J. Res. 83 and one thinks there are better ways, I welcome the discussion. Look, please, then at House Resolution 572. House Resolution 572 says we will have a debate and the rules for debate will be open. There will not be a committee chairman saying, only my amendment or my proposal is allowed. It will be the House of Representatives reviewing several alternatives, having the discussion, and trying to resolve this most grave of problems.

The entire Constitution was written in one hot summer in Philadelphia, several months. We have been 2½ years since September 11 and we have been unwilling, not unable, but unwilling to address this change.

There are people of good intention who I respect profoundly on the other side, but what I do not respect is the refusal to let other people of good intention engage in this debate. I find it profoundly ironic and troubling that those who assert that they oppose these amendments that I have offered and that others have offered is because they respect the sanctity of the vote, which I respect as well. Again, no one is proposing a substitute for direct election, for permanent replacement of Members. We are talking about temporary replacement. But they have said it is so sacrosanct, this principle of direct election, that we cannot even consider any alternative. And ironically, in defending the principle that one must be elected in order to serve in this body, they have at the same time said the people who have been elected to serve in this body are not entitled to debate this most serious of issues.

So we have been sent here by our constituents. They have entrusted us with the most profound of responsibilities; and yet some individuals in this body have said they will not entrust us with the responsibility to ensure the continuity of this very institution and

to ensure that constitutional measures will exist in a time of catastrophe.

Please, I say to my colleagues, I beseech my colleagues, bring this issue up for a vote and for true debate. Let us not play partisan politics; let us not assume that one committee chair or 2 committee chairs have greater wisdom than this body. That assumption flies in the face of the principles of Madison and the rest of the Framers. Let us assume that the collective good intentions and intellect and scholarship of this body can craft a solution that will ensure the continuity of this institution that we all so cherish and will ensure that if that horrific day ever happens and we perish, we will perish knowing that our Nation will be left in good hands, rather than in confusion.

U.S. ENERGY POLICY MEANS LOWER PRICES AND MORE JOBS

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

Mr. BEAUPREZ. Mr. Speaker, I would like to spend a portion of my time talking about the situation that has been rapidly developing of late, a situation that sometimes is called outsourcing or offshoring, whatever one's term might happen to be. The definition seems to be very much the same, though: sending American jobs to foreign countries.

Now, some of our friends on the other side of the aisle seem particularly eager to make this subject a central one for the next, oh, about 7 months. I relish that opportunity. I relish the opportunity to also have that debate. To quote their presumptive Presidential nominee, I would say, "bring it on."

Our friends on the other side of the aisle are unwittingly the biggest proponents of this very problem that they highlight: outsourcing, offshoring. What I mean by that, Mr. Speaker, is that by their opposition to a comprehensive national energy policy, they create and nurture an environment that is, in fact, hostile to job creation. The very thing that they say they are critical of, they are fostering a hostile environment toward job creation. Corporate greed is not responsible for outsourcing; anti-energy, anti-job policies are responsible.

Since 2001, Mr. Speaker, this House, this body has passed comprehensive energy legislation three times, led by Republicans. The other body has repeatedly failed to follow suit and, as a result, our Nation has no energy policy today. The ramifications of this lack of national energy policy are absolutely staggering.

Mr. Speaker, let me itemize. Gasoline prices have increased 30 percent. U.S. imports of oil have increased 10 percent. The price of crude oil has increased 65 percent. The cost of natural gas has increased 92 percent. And ac-

ording to the United States Department of Commerce, America loses 12,389 jobs for every \$1 billion spent on imported oil.

Let me repeat. These are not my numbers; this is from the United States Department of Commerce. America loses 12,389 jobs for every \$1 billion spent on imported oil. That means, based on today's current prices, that we are offshoring, outsourcing 1.7 million jobs every year.

Mr. Speaker, the House passed an energy bill in this 108th Congress. It is estimated that that energy bill would produce 838,500 new good-paying American jobs. It has a great deal of incentives for cleaner fuels, renewable energy, and tough environmental standards. That bill would lessen our dependence on foreign sources of energy and strengthen our economic and national security and independence. The U.S. has always been a leader when it comes to the steady increase of better-paying jobs and improved standards of living. That is why we consume, yes, we consume 25 percent of the world's energy; but we create 33 percent of the world's economic output.

Mr. Speaker, it is developing countries around the entire planet that covet our economic system and our economic output, our ability to produce not only goods and services, but the jobs that produce the goods and services. That is why people look to the United States of America as that shining city on a hill, that vision of something better. And in order to achieve that, developing nations worldwide struggle to develop an energy system that is the very foundation of these United States of America, the jobs we create, and the economic output that we enjoy.

Mr. Speaker, one-third of the total economic output of the world is produced by the United States of America, but we are at risk today. We are at risk because of not a faulty, not a weak, but a nonexistent national energy policy. What America needs right now is an affordable, reliable, and safe supply of energy to strengthen our economic and national security and to help create good-paying jobs. Mr. Speaker, it is time for the entire Congress to do their job and get a national energy bill passed.

Mr. Speaker, I am joined tonight by one of my colleagues, a classmate of mine, the distinguished gentleman from the State of New Mexico (Mr. PEARCE). The gentleman from New Mexico has spent most of his life before he came to Congress very, very close to this issue of energy. Coming from New Mexico and the West, he is intimately familiar with the issues of energy resources, energy production, energy utilization. It is my pleasure to yield to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentleman, and I appreciate him bringing this very critical issue to the American public tonight.

Our friends on the other side of the aisle continue to complain about the jobs being driven out of this country as if it is the President's fault. The gentleman from Colorado, my friend, has adequately described the problems of a failure to pass the energy policy through the entire House as a source of great difficulty in this Nation. There are two things, Mr. Speaker, that we must provide to keep our way of life, to keep our standard of living in this country. Those two things are food and energy. If we ever ship all of those requirements overseas, this Nation will find itself undergoing a change in the lifestyles and the abundance which we have been treated to and which we have become accustomed to.

This Nation has been blessed with abundant natural resources, including natural gas and other fossil fuels. Almost all of the natural gas used in the United States comes from inside the United States, comes from domestic sources. Natural gas provides a cheap and plentiful source of fuel for home heating and, more importantly, manufacturing facilities, particularly the chemical industry. The chemical industry uses natural gas as a fuel and also as a raw material in the production of its products. Those products include plastics, fertilizers, and many of the other products that we find and use daily. Today, the United States has the highest natural gas price of any industrialized nation. It costs the equivalent of \$10 per gallon of gasoline. Most people do not know what they pay per thousand cubic feet of gas, but it equates to \$10 per gallon in gasoline, and one can imagine the stress that industries are undergoing.

Sadly, this increase in price has contributed to higher home-heating costs and the loss of thousands of American jobs, including jobs in my home district in New Mexico. Throughout the United States, chemical manufacturers have lost an estimated 78,000 jobs since natural gas prices began to rise in 2000. These 78,000 jobs lost in one industry, the chemical industry, the chemical manufacturers, have been lost to manufacturing facilities in the Middle East, Asia, Europe, and South America. Why do those jobs move overseas? Because our domestic supplies have been interrupted to the point that our prices in this country for natural gas are in the \$5 to \$8 range. Typically in this country, \$2 is the range for natural gas.

We had a briefing in the Committee on Transportation last year which showed us that the price of natural gas here in this country is between \$5 and \$8. Overseas in Russia and overseas in Africa, the price is 50 cents and 70 cents respectively. When we are paying 10 to 20 times more for natural gas in this country as other countries, the economics will eventually take hold and companies will move infrastructure out of this country.

What happened to cause the gas prices to increase so dramatically?

First, there are two conflicting domestic policies. Number one, the U.S. adopted a policy in the 1990s encouraging the use of natural gas as the fuel of choice to burn in power plants to generate electrical power, even though we have abundant domestic coal resources. Natural gas was the clean fuel, the fuel of choice; and it was mandated by the Federal Government. The increased U.S. restrictions on oil and gas, however, the restrictions on production of natural gas on public lands has caused the supply to decrease, while the demand is increasing. Those two conflicting domestic policies have combined to force jobs offshore into other countries.

Mr. Speaker, we cannot long sustain the loss of these jobs because of conflicting policies and because of the special interests who would drive our jobs overseas.

□ 1945

In 2000, Americans consumed about 23 trillion cubic feet of natural gas, almost 23 percent of the energy used. The U.S. Energy Information Agency forecasts that by 2020 domestic natural gas demand will increase by more than 60 percent, to between 32 and 35 trillion cubic feet.

Much of the U.S. current production is coming from mature fields. Gas supplies from these fields are declining at about 29 percent per year. A mature field is one where the gas has been produced out of oil to the point that the down-hole pressures do not force the gas to the surface in the same quantities as used to occur. It is a naturally occurring phenomenon that you are able to gather in so much gas from one well before you have to drill another well.

We find these declining production curves to be a major threat to the price of natural gas in America and, therefore, a continued impediment to creating jobs in this country.

We often hear from our friends about the failure to create jobs, and they themselves are standing arm in arm with the groups who would limit the production of our natural gas which would get the cost of the natural gas to a point where our industries would become competitive again. Most of the promising new oil fields and gas fields in the U.S. are on public lands: the Rocky Mountains, Alaska, and the outer continental shelf. These areas are in the Rocky Mountain regions and Colorado and New Mexico.

Mr. Speaker, if we as a Nation choose not to access our own natural resources, with our high standards for compliance with our environmental laws and regulations, we deliberately reduce our economic security and reduce the opportunities for continued leadership in resource development, manufacturing, and technological advancement; and, at the same time, we deny our fellow citizens the opportunity for high-paying, family-wage jobs with good benefits.

We do not even bring up in this discussion the additional risk to national security. It is time my colleagues and I take the bull by the horns and fix our Federal land use policies so we can access our abundant natural resources for the benefit of all Americans. Why do we need to do this? People in the southern district of New Mexico understand why.

Mr. Speaker, the reason we need to do that is that our standard of living is at stake. Also, the number of jobs that are created in this country are at stake. But even more importantly, the ability to pay for our utilities is at stake.

People on fixed incomes are facing the price increases that my colleague from Colorado has mentioned to us already. We are facing tremendous increases in the price of gas, in the price of electricity, in the price of heating our homes and cooling our homes. Last we forget, last year in the heat wave in Europe more than 10,000 people died from that. This is a matter of life and death as well as the future of our economic engine that powers this country.

Mr. Speaker, families spend about 5 percent of income on energy, but for many low income and minority families nearly half of everything they earn is spent on energy. Price increases will be a crushing blow for many, Mr. Speaker. Many people in my district are forced to choose between essentials of heat and food. While we have soaring natural gas prices, the cost is carried by the consumer.

Consumers pay more for goods that are produced with natural gas. These goods, I have mentioned before, include fertilizer, which is a key component in the food production.

We get to the unhappy state where the supply of natural gas can scarcely meet demand in two ways: First, it is an effort to make our air cleaner, which is an admirable condition. Many electricity producers and factories have switched to natural gas. But this switch has caused the demand to increase to such a point that the prices are now making our industries non-competitive with overseas markets.

Mr. Speaker, if we are to do anything about the loss of jobs and the failure to create jobs, we must begin to have a balanced approach to our policy of accessing public lands. Our balanced approach would say that, yes, we can be environmentally friendly while we develop our resources.

It has been proven in Alaska, that State we saw the concerns about the tundra there in Alaska along Prudhoe Bay. We found that what producing companies did was drilled in the wintertime. They built ice pads and ice roads. When the well was drilled, they did no damage. Then when the spring came, the thaw came, those ice pads and ice roads disappeared to leave just the hole in the ground and the producing wellhead.

Since our way of life is at stake, since our entire economic engine is

powered by affordable energy, Mr. Speaker, it is past time for us to begin to discuss and begin to solve the ways that we access our public lands.

Mr. Speaker, I have more comments, but I will yield back to the gentleman from Colorado (Mr. BEAUPREZ). I thank him for bringing this important discussion to the floor of the House.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman from New Mexico (Mr. PEARCE) for a very intelligent and concise presentation.

Mr. Speaker, I would like to yield to the distinguished gentleman from Illinois (Mr. SHIMKUS). The Congressman serves on the Committee on Energy and Commerce, quite appropriate for our subject matter tonight.

Mr. SHIMKUS. Mr. Speaker, I appreciate the kind words from my colleague from Colorado Mr. BEAUPREZ.

I am here to talk about a subject that is just critical. We just have to get down to, really, the brass tacks. It is really hard for me to understand.

I hope my colleague from New Mexico stays around because maybe we can get involved in a debate and discussion on the multitude of issues.

This energy bill took in numerous committee work from the Committee on Energy and Commerce, to the Committee on Resources, to the Committee on Ways and Means, the Committee on Agriculture had a part in it, the Committee on House Administration had provisions, the Committee on Science had provisions. This is one of the few times that you have a comprehensive national energy bill and plan.

And we are there. We are so close, I could almost taste the finish line. Because the critical nature is readily evident to all of us. It is amazing that when you have the highest gasoline prices that many of us have ever seen and you definitely have the highest natural gas prices that anyone has seen, to huge blackouts in the Northeast, millions of people without power, why cannot we move an energy bill? Why cannot we have a vote and then a passage of a plan that would bring some security, some safety, some reliability to the energy markets and the energy industry and the folks that want to conserve?

There are actually great conservation provisions in this energy bill. We worked at great length to make sure that all stakeholders were involved in the debate. It was a free and open debate, taking many hours in the Committee on Commerce, late into the night, open, amendments passed, amendments defeated. The bill brought before the floor, the bill passed overwhelmingly in the House. The conference committee did its work, brought the bill back to the House and had another good vote on the conference side, and now we are held hostage by a minority in the other body.

It is unfortunate because unless we act on legislation, unless we have the public policy debate on energy, on where we want to be in the future, then

we are going to see the same type of activities that we are seeing today.

And, of course, in this political season, the opposition would love to see no energy bill. It is hypocritical to complain about the high cost of gasoline when you voted no on the energy bill. It is hypocritical to talk about the loss of manufacturing jobs in this country when you voted against an energy bill. It is hypocritical to continue to spout the same rhetoric when our grid goes unchanged, new investments not flowing to protect the grid, ensuring that if we make no changes a risk of future blackouts could be in the foreseeable future.

I am at a loss for words sometimes in the way we operate here. I love the institution, I love the ability to come on the floor, to have great debates on public policy, but eventually you have to move on. A majority has to speak its will and especially in the needs that were addressed earlier on energy. It is so vital to our economy. It is so vital to our national security. It is so vital for the things that we take for granted.

I remember reading an analysis of our use of electricity in our homes and power tools and all the neat little gadgets we have. The average citizen, because of our ability of using electricity and machines and technology, it is like we have 340 servants. The stuff that we are able to do because of the use of electricity and machines would be similar to having many, many servants doing our every whim.

That is part of the reason why we have prospered so greatly in this country, because we are willing to take risks, we are willing to take capital, put it at risk, hoping to get a return. And when we want the economy to move forward, when we want job creation, when we want to keep manufacturing, one of the major costs in the manufacturing is the energy cost.

But yet we are hamstrung, I think, because of political calculations on an upcoming election that we do not want to see improvement in the economy, that we do not want to see job creation, that we want to complain about no security on our electricity grid. We still want to see higher costs for natural gas. We want to see high gas prices.

They want to blame this administration, the only administration that has brought a comprehensive energy bill before the legislative body and the House and the Senate has been vetted and voted on. Again, very hypocritical and embarrassing to my point of view.

As we continue to focus on the manufacturing jobs, I find some relief in the debate that there is a difference between the payroll survey and the household survey on jobs and job creation. But, having said that, even though the numbers are better, the job loss statistics are only based upon payrolls.

So in my district in southern Illinois, there are a lot of farmers. They are self-employed. They are not counted on

the payroll surveys because they are self-employed. So in all these jobs statistics they are not there, because they are not salaried.

But we do know that the manufacturing economy is stressed. If we want to ensure that we have job creation, we are going to move a highway bill. I think it is going to be a good bill. It is going to bring, obviously, leveraging dollars from the Federal Government and State governments to be able to build roads and infrastructure; and we want that.

Listen to what the Department of Commerce says about job creation in this energy bill. According to the U.S. Department of Commerce, America loses 12,389 jobs for every billion we spend on energy imports. And, of course, we spend a lot on energy imports. At today's oil prices that means America is sending more than 1.7 million jobs overseas for oil every year.

We have oil in this country. We have it, as we talked about before, in ANWR. We have it on the continental shelf. Illinois is the tenth leading oil-producing state. A lot of people do not know that. A lot of our wells are marginal wells. They take energy to get the crude oil out of the ground. We have a gusher that was hit about a year and a half ago.

It is new technology. It drills underneath a wildlife preserve. It is producing for us a million barrels a year, which is a pretty good add toward meeting the demands that we have here.

□ 2000

It is not going to solve our problems. We are still going to have needs for export, but we do have great natural gas reserves in this country. We have got enough, and I am continuing to look at my friend on the Committee on Resources because they deal with this all the time, to meet our natural gas demands for 25 years, if we would just get access to them; and this is all not natural wildlife refuges in pristine areas. It is Bureau of Land Management scrub land. It is nothing that we even need to worry about other than it is the Federal Government's land, and we cannot even permit ourselves to go and look for natural gas reserves. Again, it just boggles your mind.

An estimated 85,000 jobs have been lost by the U.S. chemical makers since natural gas prices began to rise in mid-2000. If we cannot get natural gas at an affordable price, more and more the production facilities will be forced to pack up and leave the country.

One of our problems in this whole fuel debate is we have not built a new refinery in 25 years in this country, and we have a Balkanized fuel market, which means we have specific fuels for specific reasons.

I always tell the story, I fly into St. Louis. I am a St. Louis metropolitan Member of Congress. I live over in Illinois, and my hometown is Collinsville, but if I were to fly in and we get picked

up, I would have to go to the northern part of my district, the State capital of Springfield, and I would have to gas up the car before I took the drive. Well, the gas that I put in in Missouri would be different than the gas, regular unleaded, would be different than the gas in my hometown of Collinsville which is only 30 minutes from the airport, which would be different from the gas in Springfield, Illinois, regular unleaded, only 90 miles north. Three different blends of fuel in less than a 200-mile area.

Now, when people ask why are we having a gas crisis, I will tell you one reason is we cannot move product from point A to point B because it is not the proper mix for a proper region. You know what the energy bill does? It addresses this. There are 48 different fuel mixes in this country, and it tries to pare them down to five. It still says you need different fuels for different regions; but let us get realistic and say five regionally, that way you can move product when the supply and demand equation goes wacky. It is a great provision. It probably would have been helpful in this time of our energy needs.

The energy bill will help create or maintain over 156,000 full-time and part-time jobs in my home State of Illinois. That is how important this energy bill is for me, just my parochial interest, as a Member from Illinois.

Federal Reserve Chairman Alan Greenspan has repeatedly testified that energy prices are the single greatest threat to job creation and the continued growth of an otherwise burgeoning economy; but instead of getting a national energy policy, the people of America wait. They see energy prices rising higher and higher. They see jobs in manufacturing disappear because a plant closes due to high energy prices. They see us sending billions of dollars to foreign countries to buy oil. What they do not see is an energy bill.

The House passed the energy bill conference report, and we are still waiting, obviously, for the other body to at least do something. It is time for Congress to send an energy bill to the President that will create and maintain needed jobs across this country.

This is an important debate, and I applaud my colleague for organizing this Special Order because in the public policy arena, I mean, we have to be in the arena. We have to be debating the major issues of our time that not only affect us for the next election cycle, but really this is a comprehensive energy plan that will affect our children and our grandchildren.

So I applaud my colleague from Colorado. I hope to stay around for a few minutes and maybe can add based upon what other things are mentioned or added, but I really appreciate that.

Mr. BEAUPRÉZ. Mr. Speaker, I thank the gentleman for his comments; and a couple of things that he said sparked a little bit of my memory, if I might.

I know that in Illinois, of course, there is a tremendous amount of agriculture, a lot of farmers. That is what I spent most of my life in is a farm family; and a few months back, as you were preparing to take up this energy bill, I held a hearing in my district back in Colorado in Golden, and we had a gentleman at that hearing who is a potato farmer from an area of Colorado, southern Colorado, high mountain plateau, called the San Luis Valley; and he grows some pretty high-quality potatoes down there.

Like a lot of farmers, though, he struggles with ever-shrinking margins, and every year they try to get a little more efficient and try to squeeze just a little bit more out of the land and their operation and still make a living.

He told me something that I thought was profound and probably a fact that goes unnoticed by most everyone. He went through his operating overhead, all of the costs on an annual basis it takes for him to operate his potato farm. Thirty-five percent of his operating overhead is energy-related, not just the fuel that he puts in his equipment, gasoline, diesel, but the energy to run. We are a pretty arid State. So you have got to irrigate, to run the electric motors to pump the water for the sprinklers to irrigate with. Obviously, the chemicals he fertilizes with are produced from natural gas primarily, 35 percent of his overhead.

Now go to that gentleman and tell him that gas prices are going to go up 30 percent or more, natural gas is going to go up 92 percent, so his electric bill is going up dramatically and see what he has to say.

When we talk about these rising energy prices affecting jobs, it is real. It is as real as it gets, and having been in business most all of my life until I came to Congress this past year, and being a community banker, I came in contact with businessperson after businessperson, and there is only so much they can do, so much more efficient you can get. At some point, you throw up your hands and say I am done.

So when we are saying tonight that the lack of an energy policy, as I stated earlier, it is not a weak one, it is not a short-term one. It is no energy policy this Congress has failed to pass. It is extremely real, and blaming the President, as the other side of the aisle likes to do night after night, day after day for this outsourcing of jobs situation, we need to look inward.

I will say again, the reason that we are losing jobs in America, we need to look at the people that are promoting higher taxes and higher regulation that render us less competitive and the people that have refused to give this country a commonsense, sane, straightforward energy policy that would allow us to have affordable, predictable, sustainable supplies of energy, domestically produced energy. That is where we need to look. That is the problem.

I thank the gentleman. I was thinking of back to that hearing that I had

in Colorado on natural gas, and there are statistics and numbers out there to boggle the mind, but one that stuck with me from that hearing was relative to natural gas, which I know the gentleman from New Mexico (Mr. PEARCE) is close to, is that we have enough natural gas in this country just under Federal land, nonpark, nonwilderness Federal land for 100 million homes for 157 years. That is a staggering amount.

Natural gas prices, at least back in my hometown, are nearly double right now. Somebody said, well, we have a storage problem. Somebody else responded, yeah, we have got a storage problem. It is all stored under Federal land, that is our problem.

As my colleague, the gentleman from Illinois (Mr. SHIMKUS), just pointed out, we get in the way. So I would be pleased to, once again, yield to the gentleman from New Mexico (Mr. PEARCE) on this critical subject.

Mr. PEARCE. Mr. Speaker, I think my friend from Colorado (Mr. BEAUPRÉZ) is like I am, a business owner. He understands that you just do not create jobs out of thin air, and you do not do it without good thoughts and good resources.

The gentleman from Illinois adequately pointed out that it is hypocritical of our friends on the other side of the aisle to talk night after night about the failure to pass an energy policy when it is the other side of the aisle that is blocking that energy bill from being passed.

The environmental extremists who stop production of oil and natural gas are the ones who are responsible. The process for drilling a natural gas well on public land is to file an application for permit to drill, an APD, and that process simply goes in for review, and when it is reviewed, the application is either given or denied.

What happens is that the extremists will file a lawsuit, and many times that application simply dies right there without ever even a hearing, and by the way, they have limited access. The extremists have limited access to over a trillion cubic feet of natural gas in the Rocky Mountain regions.

Now, then, sometimes the cooperation between the extremists and the government groups has gotten just a little bit too close and friendly. In a recent case that the media has not done a very good job of covering, three BLM employees in Wisconsin were convicted of racketeering, conspiring to keep people from drilling on public property. It is going to be very interesting to see how other employees in the Federal Government begin to respond to that conviction, understanding that their actions sometimes are simply extortion.

I have constituents of mine who report that Federal employees will tell them no, no, you really do not have a problem, but your case would go much easier if you would contribute to, say, this archaeological study that our office is doing. If you gave a check of

\$25,000, maybe things will go easier. When I was out flying over the Salt River project, one group held hostage that project for a \$25 million contribution into this extremist environmental fund.

Mr. Speaker, those are the things that are driving jobs offshore, that hostility to business and the development of energy. The most heartbreaking story, Mr. Speaker, that I have seen here in Congress occurred in the Committee on Resources about a month ago. Members of the union came in, the union that deals with workers who cut timber and who create the pulp wood and paper. Those union employees were talking about the loss of their jobs in that industry and were heartbroken by the fact that they were going to lose the wages that their families depended on, and they are good, good living-wage jobs.

The Members on the other side of the aisle said, oh, but you do not understand, you can get a job in the hospitality business. I am sorry, but the unions and Republicans do not often match up. The unions and the other side of the aisle do the most, and it was their friends telling them you could lose these high-paying jobs in the timber industry and you can get a job working at the hotels. The union representatives literally spit back at them across the table the words, We do not want your hospitality jobs; we want our jobs in the timber industry.

What a heartbreaking thing. I began to do research on that, and I am pleased to show a chart tonight. I am not pleased to show the chart tonight. I am horrified to show the chart tonight that describes the loss of pulp and paper mills and plants throughout this country.

The dots on this chart represent the mill closures and employee layoffs from 1989 through 2003. The blue dots with Xs are mills that have been closed, and the red dots list the number of employees that have been laid off during the past 16 years. The small blue dots represent the remaining operating U.S. mills and plants.

Since 1997, the forest products industry has lost more than 120,000 family-wage jobs and closed more than 220 plants. While there are many factors that contribute to these mill closures and the loss of family-wage jobs, several issues stand out.

Number one is the lack of access to timber resources on the Federal lands that have been brought about through the Endangered Species Act, the roadless rule, and the lawsuits filed by the anti-development environmental extremists. Access to timber resources results in lack of raw materials needed by the mills to produce their products.

□ 2015

High natural gas prices, and we have discussed why we have high natural gas prices, are also driven by misguided environmental policies. During the 1990s, the U.S. environmental policy encour-

aged the use of natural gas for the generation of electricity as a clean alternative to the coal-fired plants. However, during this same time and continuing through the present, area prospectives for oil and gas production have been put off limits to exploration and development. This includes almost all of the outer continental shelf offshore gas production, portions of the gulf, and a significant part of the Rocky Mountain natural gas resources.

America gets more than 85 percent of the natural gas we use from domestic production. These conflicting policies have driven natural gas prices to historic highs, above \$5.50 per thousand cubic feet, the highest natural gas prices of all the industrialized nations. This makes the United States less competitive and is outsourcing our manufacturing industries, including the production of forest products.

Our misguided environmental policies are directly responsible for the loss of the majority of family-wage jobs in the forest products industry. In 1990, almost 12 billion board feet of timber were harvested from the Federal estate. That is 12 billion in 1990. Today, we harvest 2 billion board feet of timber from the Federal estate. Our national forest resources are allowed to lie fallow, to build up excessive fuels. They are subject to overgrowth, they are subject to disease, and they are subject to fire.

We are finding that the wildfires are going to destroy our forests before we ever cut them. When the fire races across the top of our forests, killing these mature trees, it only makes sense to go in and harvest the charred timber. But, instead, the extremists will file injunctions, they will file lawsuits to slow the process down.

Recently, in my district, we had a large forest fire. Before the timber could be cut, the value of the timber had lost 60 percent of its value because of delays created by the extremists who said it is better not to ever touch one tree than to cut these charred stumps that were left and had valuable timber in them.

Mr. Speaker, our watersheds are completely dependent on the quality and the character of our healthy forests, but also an entire industry is dependent on the way that we manage those resources. In this landscape, my constituents are asked to forego a development project that would provide family-wage employment so that a passerby's view is not spoiled. The same passerby expects my constituents to live with the charred remains of timber that could have provided feedstock for a local mill, that could be made into 2-by-4s for a neighbor's home, that could be paper used by a local school or business, a lovely piece of furniture to be passed into the next generation, or it could be used to make a young woman's high school prom dress.

If we as a Nation choose not to access our own natural resources, with our

high standards for compliance and with our environmental laws and regulations, we deliberately reduce our economic security and reduce the opportunities for continued leadership in resource development, manufacturing, and technology. We deny our Federal citizens the opportunity for high-paying, family-wage jobs with good benefits. We also risk our national security.

Mr. Speaker, on the second chart, and I would show it briefly, it has a picture of a mill that is being closed; and much like the Vietnam wall, the names of the casualties are listed down below in black. Those names go on and on, 220 of those that have closed. I have got the closings here in a document that is 25 pages, with 35 mill closures on each page.

There are mills that have been closed in Alabama. Over 300 jobs lost at another plant in Alabama, at Cusa Pines. Here is one where 450 jobs were lost in Mobile, Alabama. Another 500 jobs lost in Mobile, Alabama. Camden, Arkansas, lost 600 jobs to these policies. We go page after page after page, California, Florida. St. Mary's, Georgia, lost 800 jobs in one mill closing. Page after page. Illinois lost many, many jobs to mill closings because of the misguided attempts of environmentalists to block every single tree from being cut. We have Louisiana with mill closings, Massachusetts, Maryland, Maine, and Michigan. State after State, 25 pages, 35 mills per page. When we get to Oregon, we have page after page after page of mill closings in Oregon, 100, 180 jobs.

This information is readily available to those in this body who would want to access it, but the disappointing thing is that our friends do not want reality in the debate about where jobs are lost and why they are lost. They simply are looking for their agenda to be carried out at all cost.

My friend from Illinois adequately characterized it as hypocritical. The job loss, the pain in the States and the rural areas of this country are borne by individuals who have to live with the policies that are implemented in our courts and in our regulations that face our businesses as they try to make a profit in the hostile environment that is created in this country.

Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ) for organizing this, and if I have an opportunity, I will have further comments to make. I thank the gentleman.

Mr. BEAUPREZ. Mr. Speaker, I thank my friend. He brings up a number of very clear points.

I think the gentleman from Illinois mentioned 1.7 million, the estimated number of jobs we have lost because of our dependence on foreign energy sources, primarily oil. It is absolutely tragic. And the gentleman from New Mexico highlighted some of the extreme, radical environmental concerns and efforts that have restricted our energy development and energy production in this country.

One would think, Mr. Speaker, that a few wake-up calls would be enough to get Congress' attention. Electricity blackouts. The big blackout in the Northeast. We had rolling blackouts even out in my neighborhood. The skyrocketing prices we are going through right now.

I submit to you, Mr. Speaker, that just as we are concerned about taxes in this Chamber, the information that my colleague from New Mexico just pointed out, those are taxes, too, the most painful kind of taxes. When your job goes away, that is 100 percent tax. When the cost of production goes up, that is a tax as well; and it eliminates jobs. When businesses become less and less and less competitive and finally close their doors, that is a very real tax on the business, on the employees that work there and on the community that depended on it.

How many wake-up calls do we need? Well, our environmentalist friends apparently believe many more, because they still cause us to not have an energy policy in this country. They seem, in fact, to oppose all forms of energy. A few years ago, they were the ones telling us to use more natural gas. Why? Because it is more affordable, and it is abundantly available. But it is those same people who are now telling us no to natural gas. They have caused us to limit production right here in this very country where we have enormous resources.

So it is no to clean-burning natural gas; no to hydroelectric energy; no to clean coal energy; no to new outer continental shelf gas and oil exploration; no to more energy exploration in Alaska; no to more energy exploration in the inner mountain west, my home; no to more electricity transmission lines; no to more power plants; no to more energy pipelines; no to ANWR, and I would like to return to that; no to liquefied natural gas ports; no to offshore wind energy farms, even renewables; and no to onshore wind energy farms.

The environmentalists seem to have two policies: one, BANANA, build absolutely nothing anywhere near anything; or NOPE, not on planet Earth. Now that is some energy policy for a Nation, again, Mr. Speaker, that produces 33 percent of the world's economic output. And, yes, we consume 25 percent of the world's energy. That is how we produce that economic output.

I would like to yield some of the remaining time that we have to the gentleman from Illinois once again. Again, he serves on the Committee on Energy and Commerce and should have quite a little bit of insight on this issue.

Mr. SHIMKUS. Again, I thank my colleague, Mr. Speaker. Actually, he has mentioned some of the things that I probably should have mentioned, being a little more parochial. I am so passionate about this because for southern Illinois this bill is the best bill I think we will ever see coming across the pike.

And why would I say that? First of all, if you looked at a geological map of what is called the Illinois coal basin, it in essence is the entire State of Illinois, with the exception of Chicago and the suburbs. It actually bleeds over into Indiana, and it bleeds over into Kentucky. It has as much energy resources there, 250 years of Btu burning capability, as Saudi Arabia has oil. Why will we not have access and use of those energy issues?

Illinois is also a highly nuclearized State. We have 11 operating nuclear facilities in the State of Illinois. As my colleague from Colorado said, nuclear power is, as far as emission-wise, there are no emissions, but of course we have concerns with individuals.

I want the public to understand base load generating, which is the everyday needs for electricity, just to run the lights on average the whole year, and then peak load generating, which is the times where you really need additional electricity, and that is best met with natural gas, where you can turn it on and turn it off. But base load generating is those standard fuels that we have used for many, many years: hydroelectric, coal, and nuclear power. They have to be part of a national energy policy, and in our bill they are, they remain, and that will help us have safety and security in the energy markets for years to come.

Mr. Speaker, I want to thank my colleague for again managing this hour on energy.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman.

I would like, Mr. Speaker, in the time that is remaining, to return to the issue of ANWR.

Now it is estimated that, if we were able to construct the natural gas pipeline that has been proposed from ANWR down to the lower 48 States, not only would we dramatically increase our availability of natural gas to the lower 48 but we would create more than 400,000, 400,000 direct and indirect jobs from that one pipeline alone.

Now let us talk about ANWR just briefly. This is a map that points out the entire State of Alaska on the far side of the chart. For scale, you see in gold the area known as ANWR, the Arctic National Wildlife Reserve; and you see that it is roughly the size of the State of South Carolina. The area we are talking about, and this is the entire Arctic National Wildlife Reserve, ANWR, the area we are talking about is not the entire reserve but just the coastal plane. In fact, in the coastal plane, only the little area in red. It may or may not be that location, but that is the 2,000 acres within the bill that is limited for production. Just that one spot.

□ 2030

I am told that if you thought of it in terms of a very large room, it would be like a postage stamp in the corner. I visited this site last August. I wanted to see it for myself. I flew up. I flew to

Prudhoe Bay here. I flew over to this village of Kaktovik right here. About 270 Eskimos live there. I visited with the president of this entire Eskimo corporation. Think of it as an Indian tribe, if you will, these few hundred that live in this region; and we talked about this.

This is as flat as flat gets. It is as flat literally as a table top. We asked him, What about drilling? What about exploring and producing in ANWR? What should we do? He says, drill it. I said, Really? He said, Yeah, drill it. One of my colleagues that was there with me said, But what about the caribou? This gentleman had already mentioned that they still hunt the whales and they fish in the frozen sea. They hunt the animals, including the caribou, for survival. What about the caribou? He said, What do you mean? He said, Wouldn't we scare them off? He looked at him and he said, We hunt them and kill them and they come back every year. What part of this don't you get?

It is pretty obvious, Mr. Speaker, that the people that depend on this area, that have the most at stake, in fact, their very lives at stake, their survival, their way of life are saying, drill it. This is the kind of insane environmental policy, people that have nothing to do with this area, have never seen this area, are thousands and thousands of miles from this area, are prohibiting the people that do live there, that do have a vested interest, that care about it the most, from reaping the benefits of it. That is insane environmental and insane energy policy.

Mr. Speaker, we could go on for hours on this subject. It has negatively impacted this Nation long enough, and it is time that it stop.

I yield to the gentleman from New Mexico for a closing minute or two. Unfortunately, we need to bring this hour to an end.

Mr. PEARCE. I thank the gentleman for yielding.

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

Mr. PEARCE. We will do more on this same subject at another time. In the closing minutes, let me talk about the hostility that we find against business in this country. Behre Dolbear publishes an annual survey entitled "Ranking Countries For Mineral Investments." This survey ranks the 25 countries with the largest mining industries and/or the most significant mining industry potential. To establish the annual rankings, the survey considers seven criteria that influence investments by the mining industry in each of those 25 countries. These criteria include economic systems, political systems, social issues, permit issues, corruption, currency stability, and tax regimes. A review of each country relative to each of the above criteria is performed, using the general assumption that a technically viable mining operation is being considered in that country. The countries are then

given a ranking from 1 to 10 in each category, with 10 being the most favorable.

Recently in 2004 the USA scored well in economic systems and currency stability, et cetera; but it had a dismal ranking in the category of permit issues. This ranking is based on the time and expense required to get permits, not on stringency of regulations. In 2004, the U.S. had a numerical score of 4. That score puts the U.S. 19th out of 25 countries. The U.S. ranks below Peru, Ghana, Colombia, South Africa, Argentina, Canada, Brazil, Namibia and Bolivia. Only seven countries rank below the U.S.

Keep in mind that this is an improvement, that the Bush administration has made progress because previously under President Clinton, we had a 2 ranking. The U.S. was tied for 24th out of 25 countries with Indonesia. Just why does the U.S. have to have such a low rank in permit issues?

Mr. Speaker, we have covered tonight the many, many reasons that jobs are moving offshore in America while our industries are being decimated, why manufacturing is being sent overseas and our friends, while talking about it, continue to be a part of the problem. I thank the gentleman from Colorado (Mr. BEAUPREZ) and the gentleman from Illinois (Mr. SHIMKUS) for allowing me to participate in this Special Order.

IRAQ WATCH

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Mr. Speaker, I anticipate that shortly I will be joined by some colleagues for our customary Tuesday night hour where we discuss the situation in the Middle East with a particular focus on Afghanistan and Iraq. We have described this hour as the so-called Iraq Watch. As we did recently, I think it is an opportune time to explain to those watching us this evening and my colleagues who preceded us that the normal legislative business of the House of Representatives has concluded, and we are now in that period called Special Orders.

That is why we have an empty Chamber. Members are elsewhere, doing their homework and getting prepared for tomorrow's legislative business. Again, in terms of equity and fairness, Republicans are allocated 2 hours and Democrats are allocated 2 hours and we alternate back and forth. As I mentioned earlier, I anticipate that I will be joined relatively soon by the gentleman from Washington (Mr. INSLEE), the gentleman from Ohio (Mr. STRICKLAND), and the gentleman from Hawaii (Mr. ABERCROMBIE) to have our customary conversation.

But I would like to begin this evening's conversation with those that are

viewing us and, as they join me, with my colleagues about the issue of credibility, because as I am sure we are all familiar, if our word is not trusted, if we are perceived to be untrustworthy, we encounter serious problems as we go through life. The same is true obviously of a nation, particularly a Nation like ours that claims justifiably a certain moral authority, a Nation that values truth and honesty and a Nation that is hurt when others speak of deception and deceit when it comes to the United States of America.

The reality is, Mr. Speaker, that our motives are being questioned. There was a recent survey done by the Pew Foundation. This was a survey done in seven nations spread across Europe and the Middle East. Majorities in those seven nations believe that our intervention in Iraq was motivated by a desire to control Mideast oil. Let me read to you those nation-states and the percentages that embrace this particular view of the United States of America. Fifty-one percent of the people in Russia accept as gospel that our intervention in Iraq was predicated on a desire to control Mideast oil. Fifty-eight percent of the population of France shared a similar view. Sixty percent of German society echoed those sentiments. In Pakistan, the number was 54 percent. In Turkey, an erstwhile ally, 64 percent, almost two-thirds of the population, believed that the United States launched the attack on Iraq because of our desire to control Mideast oil. In Morocco, that number was 63 percent. In Jordan, that number was 71 percent.

What is particularly disturbing, Mr. Speaker, is unfortunately this cynical view is reinforced by various news accounts that reveal American companies have been doing business with rogue nations. There was a recent CBS "60 Minutes" expose. I think most Americans were unaware that despite the fact that nations like Libya, like Iran, like Iraq were considered rogue nations, Iran particularly, being one of those nations designated by the President as part of the Axis of Evil, that in fact American corporations, or let me restate that, subsidiaries of American corporations could actually do business with those whom we considered our enemy, with those whom we had placed on a list described as being those states sponsoring terrorism.

This issue was really brought to light by the New York City comptroller who in his research discovered that the \$80 billion in pension funds for all city workers were invested in corporations such as GE, ConocoPhillips and Halliburton that exploited, if you will, this loophole in the law. Obviously, people from all over the world are fully aware of the fact that the Vice President, RICHARD CHENEY, was the former CEO of Halliburton. So I know it comes as a surprise to them and certainly came, I think, as a shock to Mr. William Thompson, who was the New York City comptroller, that pension funds were invested in Halliburton, and Halli-

burton had created a subsidiary, a subsidiary in the Cayman Islands that purportedly was doing business with Iran.

As we have recently discovered, of course, Iran is suspected of developing a nuclear weapons program. Clearly, any business that would be done with a rogue nation would benefit that rogue nation. In any event, this particular expose by "60 Minutes" that established that there was an offshore subsidiary of Halliburton in the Cayman Islands was in fact operating during the tenure of the Vice President.

□ 2045

According again to the transcript of the 60 Minutes interview, the subsidiary sells about \$40 million a year worth of oil field services to the Iranian government. This does not enhance our credibility, Mr. Speaker. I think it undermines our credibility. And when the 60 Minutes crew went to interview officials from Halliburton, they were denied access.

But again they got on a plane. They went to the Cayman Islands, and what they discovered in the Cayman Islands was an office with a phone and no employees. Subsequently, because of a conversation they had with an individual in the building which housed this so-called subsidiary or independent company, they were told that, no, that mailing gets rerouted to Houston. Subsequently, they learned that in Dubai, which is a city in the United Arab Emirates, that there was the operating arm of the particular embassy. But, again, no answer, no response.

So what we have is a parent company, Halliburton, declining a request by 60 Minutes for an interview but through e-mail communicated it has no intention of leaving Iran or addressing the questions that the interviewer had raised about the independence of its subsidiary.

So we wonder sometimes why we are perceived in a particular way, because, again, our credibility is so vital to our claim of moral authority. I do not have an answer, Mr. Speaker. But I think the American people are owed an answer. I along, with several other Members, my colleagues on the Iraq Watch, have requested to the Attorney General, Mr. Ashcroft, that a special prosecutor be investigating to determine whether there is potential criminal culpability. But it goes to our core value of transparency and honesty and truth.

Much has been stated recently about the testimony of Richard Clarke, and that continues to play out. As we have seen today, the National Security Adviser, Ms. Rice, apparently will testify before the 9/11 Commission. But I think the salient import of Mr. Clarke's position is that Iraq had been the focus of concern since the beginning of the administration, and that seems to be confirmed by the former Secretary of the Treasury Paul O'Neill.

So I went back and reread the book authored by Mr. Suskind in collaboration with the former Secretary of the

Treasury and his recount of the first meeting on January 30, 2001, it had to be just several days after the inauguration, and I would like to read to those that are viewing us here this evening just excerpts from that particular book.

I see I am joined by the gentleman from Hawaii (Mr. ABERCROMBIE). It is good to see him here.

But there is a discussion about the Arab-Israeli conflict, and the book reads as follows: "The Arab-Israeli conflict was a mess and the United States would disengage. The combatants would have to work it out on their own." That was the position of those that were present or at least it would appear to be the consensus that was emerging at the time.

"Powell said such a move might be hasty. 'The consequences of that could be dire,' he said, 'especially for the Palestinians.'

"Bush shrugged, 'Maybe that's the best way to get things back in balance.'

"Powell," obviously a reference to Secretary Powell, "seemed startled. 'Sometimes a show of strength by one side can really clarify things,' Bush said. He turned to Rice. 'So, Condi, what are we going to talk about today? What's on the agenda?'"

"'How Iraq is destabilizing the region, Mr. President,' Rice said. In what several observers understood was a scripted exchange, she noted that Iraq might be the key to reshaping the entire region."

This is an excerpt from the former Secretary of the Treasury, Mr. O'Neill's, book. That is 5 days after the President was inaugurated.

The next excerpt that I will read from was a meeting of the principals, the Cabinet members on the National Security Council. This was conducted on February 27, 2001. Again, the purpose clearly was the emphasis by the Secretary, the Secretary of Treasury, Mr. O'Neill, that it was all about Iraq. This is in February of 2001. Clearly this would corroborate, I would suggest, the import of Richard Clarke's recent book "Against All Enemies."

But what is interesting in this particular excerpt is a reference to oil, a reference again to oil. We are not talking about terrorism. We are talking about oil, and let me quote this passage.

"Beneath the surface was a battle O'Neill had seen brewing since the National Security Council meeting on January 30. It was Powell and his moderates at the State Department versus hard-liners like Rumsfeld, Cheney, and Wolfowitz, who were already planning the next war in Iraq and the shape of a post-Saddam country." Remember, this is February 27, 2001, months before the tragedy that befell us on September 11.

"Documents were prepared by the Defense Intelligence Agency, Rumsfeld's intelligence arm, mapping Iraq's oil fields and exploration areas and

listing companies that might be interested in leveraging the precious asset. One document head 'Foreign Suitors for Iraqi Oil Field Contracts' lists companies from 30 countries, their specialties, bidding histories, and in some cases their particular areas of interest. An attached document maps Iraq with markings for super giant oil fields, other oil fields, and earmarked for production sharing while demarking the largely undeveloped southwest of the country into nine blocks to designate areas for future exploration."

So I guess, Mr. Speaker, I should not be surprised that in seven nations, according to the highly respected Pew Foundation, a survey revealed that substantial majorities in those nations believe that it was the intention of the United States to invade Iraq to control Mid East oil. The excerpt I just read from Secretary O'Neill's book relates his impressions, not mine, not the gentleman from Hawaii's (Mr. ABERCROMBIE), and not the gentleman from Washington (Mr. INSLEE), my colleague who has just arrived. So we are talking about oil here and the interest of oil, and this is the impression that the Secretary of Treasury that served in the Bush administration concluded.

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

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, the gentleman might find it interesting, with regard to the points that he has just been making and the possibility of oil exploration, I believe was the phrase that was used, mapping of fields, potential drilling areas and so on. Well, does the gentleman recall that while we were unable to prevent looting, mass looting not just of the Baghdad museums, the history of the entire Middle East, really the Mesopotamian history there, but unable to stop looting in virtually every area of Baghdad and throughout Iraq, hospitals, schools, businesses, everywhere, was it not interesting the Oil Ministry was guarded? And I wonder how that took place. I wonder what the emphasis was.

Would the gentleman be interested in a story from USA Today of March 29, Monday, as follows: "In 2002, troops from the Fifth Special Forces group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment in Iraq. Their replacements were troops with expertise in Spanish cultures. The CIA was stretched badly in its capacity to collect, translate, and analyze information coming from Afghanistan. When the White House raised a new priority, it took specialists away from Afghanistan in an effort to ensure Iraq was covered."

USA Today added, "Those were just two of the trade-offs required because of what the Pentagon and the CIA acknowledged is a shortage of key personnel to fight the war on terrorism,"

not the engagement in Iraq, the war on terrorism that we hear about all the time. "The question of how much those shifts prevented progress against al Qaeda and the other terrorists is putting the Bush administration on the defensive."

□ 2100

Troops with the capacity to hunt Osama bin Laden in Afghanistan were removed and sent to Iraq. Now I believe the gentleman will observe there is a renewed emphasis on catching and capturing or killing Osama bin Laden, as if this had been put into limbo for some period of time.

I wonder if the gentleman would observe, as I do, that there may be more than a coincidence here with respect to what he has just been sharing with us?

Mr. DELAHUNT. Well, again, all of this goes to the credibility of the United States.

When administration officials, and particularly the Vice President, make statements that in one case was contradicted the next day by the President himself regarding links between Saddam Hussein and al Qaeda, when on a Meet the Press program the Vice President of the United States suggested that there were links and then the next day the President of the United States came out and unequivocally said there is no evidence linking 9/11 and Saddam Hussein, and then subsequent to that, subsequent to that, in January of this year the Vice President again repeats the assertion, the allegation, about linkages, there is a cumulative impact here.

There is a cumulative impact, because, after awhile, people are saying, you are conning us; you are misleading us. Like just recently, the Prime Minister of Poland, an ally in the coalition of the willing that is still in Iraq, said, "We were misled. We were taken for a ride."

Mr. ABERCROMBIE. If the gentleman will yield further, the people from Poland may be having second thoughts after today's activities. I do not know if the gentleman is aware that in Iraq today, those soldiers, part of the contingent from Poland, came under assault from those who, and I almost hesitate to say because it sounds as if I am making an ironic comment, and that is not really my intention, the situation speaks for itself, they were assaulted by those who are complaining that their applications to be police officers were not being properly processed. So, apparently, the people who want to be the police officers are now engaged in gang assaults in Iraq; and in this instance it happens to be against those who have been sent there from Poland. I think this is only a precursor of those things which are to come.

Mr. DELAHUNT. If I can interrupt, I believe that goes to the question of competence; and the issue of post-war planning has been roundly criticized.

Mr. ABERCROMBIE. If the gentleman will yield further, that is precisely the point. In the context which

you mentioned of the Vice President, Mr. CHENEY, indicating that we should pay the closest attention and give the highest credibility to the idea that links, and those are the phrases of choice of the Vice President, Mr. CHENEY, links on the most peripheral basis, links on the periphery must be nonetheless taken very, very seriously.

I hope the gentleman agrees that is a fair characterization of what Vice President CHENEY has been doing, that the most elliptical connections must be taken with all seriousness. At the same time, he denies his links and connections to the Halliburton Company, to the oil companies that he has served slavishly throughout his career, have anything to do with the decisions that have been made with respect to Iraq, with the decisions, political decisions, made with respect to invading that nation.

Mr. DELAHUNT. Again, let me go back earlier to the excerpt that I recited from the O'Neill book. On February 27, the administration was a month old. Here we have a meeting of the National Security Council of the United States talking about exploration, mega-giant oil fields, contracts.

I would hope that those that might be viewing this conversation this evening, and I am not here shilling for Mr. Suskind and former Secretary O'Neill, but they should go out and read the book, because we know that Mr. O'Neill was castigated, and we also are fully aware that Mr. Clarke is being attacked and maligned.

But what I suggest is, read these two as companions. It is clear that there is no collaboration going on between Mr. O'Neill and Mr. Clarke. But the salient point is from the day they came into office, this was about Iraq. This was about Iraq.

Mr. INSLEE. If the gentleman will yield on that point, I would like to comment on what you just said, but before I do so, I would like to make a statement of why we are here tonight.

This is months after the Iraq war started, and I just want to state the reason I am here tonight is the people who are fighting this war deserve answers of how this war started based on false information. If it takes us years to get to the bottom of how this was started, why it was started and who started it so that they can be held accountable, we are going to be here until we get those answers.

But you have put your finger on a very, very important point; and that is that the people who this administration are attacking, Mr. O'Neill, Mr. Clarke, Ambassador Wilson, the actuary of the Medicare fund, all of whom are being attacked by this administration, their statements have proven to be true in the last several weeks. One of the great ironies of this is that this administration is attacking civil servants for telling the truth.

Look at Mr. O'Neill. As you indicated, he was attacked because he had the temerity, and this was the Sec-

retary of the Treasury, a high-level person appointed by the President of the United States on a personal basis. Mr. O'Neill said, "In the 23 months I was there, I never saw anything that I would characterize as evidence of weapons of mass destruction. There were allegations and assertions by people." That is from Mr. O'Neill's book.

He said that in January 30, 2001, before September 11, the President instructed at the National Security Council meeting, that the President directed the Secretary of Defense, Donald Rumsfeld, to "examine our military options" with regard to Iraq.

Mr. O'Neill was quite viscerally attacked by the administration for making those statements. But now it turns out in listening to statements by Condoleezza Rice and essentially Donald Rumsfeld and Mr. Clarke, those things were true. From their own lips, of people still in the administration, that statement was true.

Mr. Clarke a week or so ago had the temerity to point out that on the day after September 11 the Secretary of Defense said something to the effect like "let's get ready to bomb Iraq," and it was pointed out to the Secretary of Defense that al Qaeda, who at that point we knew was behind the September 11 attack, that al Qaeda was in Afghanistan, not Iraq. Mr. Rumsfeld responded, "Well, there are not any targets in Afghanistan."

Mr. Clarke originally said, "Well, I thought he must have been kidding." It turned out he was not kidding, and when asked about that on a talk show this weekend, Mr. Rumsfeld, I did not hear him deny it. Incredibly, I did not hear him deny it.

What I heard was Mr. Clarke pointed out that on September 12, when he talked to the President of the United States, the President of the United States took him aside and said, essentially, "I want you to look and scrub to see if you can find any evidence whatsoever that it was Iraq behind this."

Mr. Clarke wondered about that, because he felt the President was essentially pushing to find something that had not been reported to date.

Originally, you know what the administration said? They said Mr. Clarke was not there that day. Well, today we find from Condoleezza Rice not only was he there, but, yes, those conversations apparently took place.

So what we are finding is we are finally getting down, after peeling the layers of the onion, to the truth of what happened in Iraq. And what happened in Iraq is that this administration very early on was bent on taking a course of action involving military action in Iraq.

It is not that they were forced to by this overwhelming intelligence, this mountain of intelligence that led us to the inescapable conclusion that Iraq had these weapons of mass destruction. As early as the day after the attack on September 11 they were looking for some reason to start a war in Iraq. This

is something that has been confirmed today by their own statements.

Mr. ABERCROMBIE. If the gentleman will yield on that point, and looking, I might add, for an opportunity to deny that ongoing sanctions would prevent, should those weapons actually exist, their utilization, either against us, certainly, or against neighbors, other than by assertion.

Mr. INSLEE. It is apparent the questions asked by the President were not about the inspection program. The statements were "let's go bomb Iraq, because there are no targets in Afghanistan," or something to that effect.

Mr. DELAHUNT. If I can interrupt, I think we are usually in agreement, but here I have to disagree, because it was not immediately after 9/11. Yes, I believe the President did make that statement, and I presume he will acknowledge he made that statement. It has been acknowledged implicitly by the spokesperson for the White House.

But if you go back and examine the record, this administration, and particularly the Vice President of the United States, for whatever reason, presumably this grand vision of a Middle East rearranged in a manner that purportedly would move democracy forward, believed that Iraq was the linchpin to having that happen, and a conclusion had been reached and they were simply looking for the opportunity to invade Iraq. That was before 9/11.

Mr. ABERCROMBIE. If the gentleman will yield, perhaps he could spell the word democracy for me. I believe it is spelled O-I-L. I believe they are synonymous with the gentleman to whom you are referring.

Mr. DELAHUNT. I have to say this about the Vice President, and, again, those who might be listening to us tonight, if you have access to a computer, go on line. On March 10, the headline reads, page 1 of the New York Times, "CIA chief says he corrected Cheney privately." Even today, it is the Vice President, more than anyone in this administration, who will not let it go.

David Kay said, and, remember, David Kay was the chief arms inspector for the United States, embraced by this administration to go and search for the weapons of mass destruction in Iraq, David Kay said we were all wrong. It is time to give it up.

He indicated in a speech just recently in Cambridge, Massachusetts, I think he used the term "Waiting for a Hail Mary pass, like Vice President Cheney is doing, presents us with grave threats."

That is David Kay speaking. That is not some partisan Democrat. That is not the putative nominee for the Democratic nomination for the President. This is beyond politics.

Mr. INSLEE. If the gentleman will yield further, I think what the gentleman is pointing out is that there were huge falsehoods that are now apparent that were told to the American

people, to the U.S. Congress, that were used as a premise to start this war.

I want to talk about just a couple of those and see what the administration has done in response to those.

The President on March 17, 2003, said, "Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.

□ 2115

"This regime has already used weapons of mass destruction against Iraq's neighbors and against Iraq's people." The second half of that is true, but the first statement is false. Yet, no one in the administration has admitted the falsity of that statement, despite overwhelming intelligence information to this effect. We have people serving, and we have lost over 500 Americans in this war that was started based on a falsehood, and no one in this administration has had the courage and the willingness to straight talk, to say these statements were false that were the basis for this war.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield a moment before he continues on that point. The gentleman cited a part which implied, or not implied but I believe explicitly stated was true with respect to utilization of poison gas on Iraqis, more particularly Kurdish Iraqis. Does the gentleman know, and if he does not, perhaps he would find it of worthy interest to pursue, whether or not that gassing or the reference to it took place before or after the first Bush administration was in Iraq doing business with Saddam Hussein? And, if I am not mistaken, the person representing George Herbert Walker Bush and his administration is the present Secretary of Defense.

Mr. INSLEE. Mr. Speaker, it is clear that our country did not have things to be proud of at the time that the Kurds were gassed. We could talk at length about that.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would further yield on that point, my reference to that is not to disparage anything that the Secretary did in pursuance of policies which he was clearly following with respect to his service in the first Bush administration, but rather to illustrate that it is at best a bit tiresome, if not hypocritical, for the present Bush administration to cite that as if the United States was some innocent standby observer, shocked at the fact that this took place, disturbed that it had taken place, doing anything in the way of diplomatic activity to indicate that we disapproved of it in any way, shape, or form. Quite the contrary.

What the United States did is stand by and not try to "complicate" the issue, and I say that with quotation marks around it, by making, from what I am best able to determine, any kind of significant demurer with respect to what Saddam Hussein had done in that instance.

Mr. INSLEE. Mr. Speaker, we should have clearly raised a siren internationally when that was going on, but let us not compound the error by leaving these falsehoods to lie like sort of a stinking mackerel in the moonlight right now without this administration clearing this up and shooting straight with the American people. Because on January 28, 2003, the President of the United States stood right behind the gentleman from Hawaii and addressed the Congress and the American people and said, "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." That statement was false, and the administration knew it was false.

He went on to say, "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production." That statement was false.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS). If the gentleman will suspend, the Chair will remind all Members not to engage in personal abuse of the Vice President or the President.

Mr. INSLEE. Mr. Speaker, we appreciate the reminder.

That statement was false, and it was false at the time it was made. The reason I know that is that subsequent information has revealed that our own agencies have reported that they concluded that those aluminum tubes were probably going to be used for some standard rockets, not anything to do with centrifuge tubes; and yet the President of the United States told the American people there is no doubt that Iraq had some of the most lethal weapons devised by man. Now, the fact of the matter is, if this is some innocent thing that occurred, we need the President to address the American people about how this happened.

Now, I am glad that the President has finally allowed Condoleezza Rice to publicly answer some of the questions around what has happened in some of this affair. It is unfortunate that it has taken so long to be drug to the public spotlight; but, nonetheless, we hope this will shed some light on this.

Mr. DELAHUNT. Mr. Speaker, a question that I would like to have answered by the 9/11 Commission. Well, maybe it is not appropriate for the 9/11 Commission; let me retract that. However, I think it is a question that this administration should answer via some mechanism, because we were all here that night when we heard those words regarding the search for highly enriched uranium in the African nation of Niger, which turned out to be totally false, and which had been discredited and discounted by a variety of intelligence agencies throughout the world and particularly, not the CIA, but the DIA and the appropriate agency within the Department of State. They just simply did not accept it.

Yet a week later, on February 5, the Secretary of State made a very power-

ful presentation at the United Nations; and in that particular presentation, Secretary Powell made no reference, no allusion to that particular situation, to the fact that or at least the assertion that was presented by the President regarding looking for uranium in Africa. I am sure that he did that because, as was reported in a variety of media outlets, he sat down with the CIA, the Director and analysts within the CIA, and discarded that information.

Why was it inserted in the State of the Union, and yet approximately a week later was not part of the Secretary of State's presentation before the United Nations? And did the Secretary of State communicate to the President of the United States, to the Vice President of the United States his basis, his rationale for not including a very serious allegation that was made by the President in the State of the Union address and not included in his presentation at the United Nations before the world? It is incomprehensible.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield, I would contend to him that it is not incomprehensible if the intention all along was to go into Iraq and to go into Iraq at the expense of the war on terror in Afghanistan. We can see what the results are.

I would quote to the gentleman from the Financial Times of Monday, a report which indicated that a United Nations body will warn this week that Afghanistan is in danger of reverting to a "terrorist breeding ground." That is the phrase utilized in the Financial Times story characterizing the United Nations' report, that Afghanistan is in danger of reverting to a terrorist breeding ground with an economy dependent on the illegal drug trade, unless the international community significantly increases development funding for the war-torn country.

Now, we have billions and billions and billions, tens of billions of dollars to be expended in Iraq at the present time with its economy in collapse, except, we are told, for its ability to produce oil. The economy in Afghanistan is now reverting to the pre-Taliban days. If the gentleman will recall, we supported the Taliban to the tune of \$40 million because it was involved in eradicating the drug trade. The drug trade has come back with a vengeance. It is now supplying funding in the absence of any international effort being made in Afghanistan and, as a result of the switch in emphasis on terrorism from Afghanistan to Iraq, particularly in the wake of what I contended to the gentleman at the beginning of my statement that it was deliberate. It is not incomprehensible if it is a deliberate policy of the administration to find a methodology of presentation to the country sufficient to raise the fear factor to a level that would allow this invasion to take place. That was the purpose and the intent all along, and the result that the

administration has to be held to account for is that Afghanistan now is reverting to a status in which it could be called a terrorist breeding ground in a United Nations report.

Mr. DELAHUNT. Mr. Speaker, is my friend aware of the fact that the President of Afghanistan recently was compelled to delay the elections that were scheduled in June to September?

Mr. ABERCROMBIE. Hopefully, September.

Mr. DELAHUNT. Hopefully, September.

Mr. ABERCROMBIE. Yes.

Mr. DELAHUNT. And I dare say that that election date is very much at risk, as the gentleman suggests that Afghanistan, as a viable nation-state embracing democracy, is very much at risk, because we have ignored Afghanistan since we achieved a stunning military success, but then diverted our efforts and our resources and our attention to Iraq where there was only one terrorist, and that was Saddam Hussein, who terrorized his own people. But the terrorists in Afghanistan were the terrorists that were training, that were appearing again to attack America. And today, we are still searching for them.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield for a moment, I just want to sort of reiterate basically what the gentleman is saying. I keep hearing more and more evidence that with the President taking our eye off the ball of al Qaeda, it has damaged our ability to bring them to the ground; and it has done that in multiple ways.

We had a hearing the other day in the Committee on Financial Services about our ability to track down and cut off the funds of al Qaeda coming out of Saudi Arabia, because that is where the money came, largely, from al Qaeda. It turns out the administration has had a lot of the forces that could have been used to cut off the money going to al Qaeda, the people who killed 3,000 Americans, to chase Saddam's funds all around the world. Now, it would be nice to get ahold of Saddam Hussein's funds. That is fine. I am sure he abused and did the Iraqi people tremendously, not only personally, but fiscally. But the guy who killed over 3,000 Americans is at large; and his network of raising money is still intact, because this President took our eye off the ball and cut off some of the resources we had to cut those resources off from al Qaeda.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield on that point, I would contend and do contend that the biggest supporter of the invasion in Iraq was Osama bin Laden. It does not take a cracker-jack specialist in strategy to understand that when your enemy, i.e., the United States of America, is addressing all of its attention, its military prowess, and its funding in a direction opposite from where you are, that that is, in fact, very good for you.

Mr. DELAHUNT. Mr. Speaker, I think it is really important to the peo-

ple who are watching this to understand this: that historically, Saddam Hussein and Osama bin Laden were bitter enemies. In fact, in the mid-1980s, there was a group akin to al Qaeda in terms of its world view, fundamentalist Islamist, a perverted form of that holy religion, that great religion, that attempted to assassinate Tarik Aziz. Saddam Hussein, the tyrant and the thug that he was, just eradicated him. So historically, we should have known that those that attacked us were the same people that as recently as this month, as recently as this month killed hundreds of people in Madrid, Spain; and we need the help of the entire world. That is why I go back to this issue of credibility: Who is going to believe us?

I know that there are some that will strut and swagger and be tough and say, we can do it alone. Well, I do not want to do it just with American men and women.

□ 2130

This will only be successful, this war on terror, if we do it working with others and we have to have their trust. We have to have their confidence. We will never accept appeasement, but we have got to be honest.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, I will point out in turn that come June 30 you are going to see what it is like to be alone. We are going to be cut loose in less than 100 days in Iraq, not just in Baghdad, but in Iraq; and our Armed Forces there will be adrift. There will be no one to report to.

We have no status of forces agreement with anyone that can be enforced. We have no idea with whom we would enforce such an agreement. All our armed services, all our Armed Forces in Iraq after June 30 will be left to fend for themselves and make decisions on the spot as to what they will do and how they will operate and who they are working for and with. There will be no operative government whatsoever, and this is being done entirely for political reasons because of the utter failure of this operation.

The gentleman will recall that I indicated back at the time of this invasion that this would not be a war, that this would be a lightning attack on Baghdad, and then the war would start. I trust the gentlemen, both of them, will recall me saying that; and I think it was quite clear to those of us serving on the Committee on Armed Services that was going to be the result, and even then we indicated as a result of the testimony of people like General Shinseki and others, upon whom we have relied to good effect in the past, that unless we were properly prepared with the logistics, even that lightning attack would suffer casualties and set us in circumstance less than what we could be in terms of the military might of this country.

That is precisely what happened. That lightning attack was accom-

panied by consequences in terms of supply and logistics which harmed us and harmed those who served in that attack, and then the war began, and we are suffering from that kind of war right now, as we speak tonight; and on June 30, I can assure you that the level of combat in terms of what the United States is going to suffer is scarcely beyond imagination.

Mr. DELAHUNT. Mr. Speaker, in retrospect General Shinseki, who was treated in an extremely dismissive manner, his advice should have been heeded and, maybe just maybe, today we would be looking at a totally different situation in Iraq than what we are currently embracing.

I am sure you are aware that the leader, the dominant leader of the Shiites in Iraq, Ayatollah Al'sistani, is already circulating information, pamphlets, decrying the Constitution. I mean, it has been reported that CIA analysts are concerned about a civil war in Iraq.

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, we have got people there tonight who are sitting ducks for this terrible situation in Iraq, and there are two things really galling to me about this.

Number one, I have heard some people in these Chambers sort of suggest, well, we only lost a couple today; we only lost 10 this week; we only lost 100 this last couple of months; it is not like Vietnam. Well, I have got to say when I went to a family 2 weeks ago to spend the Sunday with them when their father and husband of two young kids is never coming home again, it is just like no other war; and these numbers, this is not a numbers game.

These people who are serving tonight deserve something. They deserve their government to be accountable to them, to be responsible to them as to why this war started based on false information given to the American people, and we are now learning that there was lots of false information given to them. They are entitled to that. The American people are entitled to that, and we are intending to get that one way or another.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, all this is true, and I think we have to reiterate it, but that is retrospective. Prospectively, I think we have to look at June 30, and I hope, Mr. Speaker, that when we have the opportunity next to come before you, Mr. Speaker, that we will be able to address that question.

PREDICAMENT WE ARE FACING WITH SOCIAL SECURITY AND MEDICARE

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, last week the actuaries of the Social Security Administration and the

Medicare came up with their estimates of the predicament that we are facing in those two programs in terms of having less revenue, less money coming in than is needed to pay for promised benefits. The news was not good.

I wanted to start with this pie chart to give everyone an impression of how we spend Federal Government money; and as you see by the title of the chart, Social Security is the largest budget expenditure. This is the Social Security piece of pie, if you will, at 21 percent of all of the money spent by the Federal Government. That compares to 20 percent for defense, and defense, 2 years, 1, 2, 3 years ago was a little over 18 percent. So, even though, defense has grown, Social Security is growing even faster.

We have Medicare at 12 percent, but that is the fastest growing program; and within 30 years, Medicare will overtake Social Security as the top Federal budget spending program.

Other entitlements, 10 percent; domestic discretionary, 16 percent; and here is a problem area over here, interest on the debt, 14 percent. The reason that is a problem is because we are amassing a dramatic increase in debt.

Last month, we celebrated Abraham Lincoln's 195th birthday. In his famous Gettysburg Address, he sort of noted whether a country of the people, by the people, and for the people could long endure. The Civil War, of course, was sort of a testing ground, whether that Nation or any Nation so conceived and so dedicated could last.

The actuaries in their report last month estimated that the total unfunded liability, the amount of promises or the cost of those promises over and above revenues coming in from the FICA tax, from the payroll tax, was going to be \$73.5 trillion. To put that in a little bit of perspective, the budget that we are looking at for this current year is about \$2.28 trillion, and for next year the budget we are working on is about \$2.4 trillion. The unfunded liability, how we are going to have to somehow cut benefits or increase borrowing or increase taxes is \$73 trillion or over \$73 trillion; and breaking these down, we see Medicare part A estimated at \$21.8 trillion; Medicare part B at \$23.2 trillion; Medicare part D, the new prescription drug program, at \$16.6 trillion.

So passing the Medicare drug bill increased the unfunded liability by \$16.6 trillion, and Social Security with the trust funds comes to almost \$12 trillion. It is more than a quarter million dollars of the unfunded liability for every American. Every baby that is born tomorrow, every child and woman and man in this country, their share of this unfunded liability that they are going to have to deal with the extra interest on the debt and paying back that debt is over a quarter of a million dollars.

This chart that Tom Saving came up with, an actuary in both Medicare and Social Security, indicated how much of

the general fund revenue is going to have to be used up to pay for promised benefits in Social Security and Medicare; and we see that within 16 years, by 2020, it is going to take 28.6 percent of our current general fund budget to pay for the promises we have made in Social Security and Medicare. By 2030, it is going to take 52.7 percent of the general fund to pay for these programs.

The reason that I am making this presentation tonight, Mr. Speaker, is to call to my colleagues' attention, call to everyone's attention the very serious situation of the promises that have been made over and above the money that is coming in for those programs and how it is going to impact other programs that government now provides.

We talked about the Civil War with Abraham Lincoln. The earlier group talked about the Iraq War; but today, we face a threat to the country that may well be more serious than any war we have had. It is not in a dramatic clash of arms, but in neglect of the Nation's finances, especially our long-term finances.

Voters vote for benefits, and politicians promise them, without knowing where the money is coming from. They do not know how to pay for it.

Just 3 months ago, Congress voted for a prescription drug benefit that adds \$16.6 trillion of the program's unfunded liability. That is more than twice our Nation's entire national debt, without knowing where the money is coming from; but when I say without knowing where the money is coming from, actually it means that our kids and our grandkids, that somehow some of these programs justify borrowing from the money that our kids and grandkids have not even earned yet. So to continue promising programs because it seems to be politically favorable to individuals in their reelection is unconscionable in terms of the burden that it is putting on our kids and grandkids.

From the founding of this country, Mr. Speaker, it took until 1975 to amass the first \$500 billion worth of debt. Unfortunately, we are now adding more new debt to our books every year than it took in the first nearly 200 years of this country to amass because we are going over \$500 billion every year.

The deficit for fiscal year 2003 was \$536 billion. It is expected to be \$631 billion this year and another \$534 billion next year. We have never run a deficit this high, and we need to take decisive action in this budget to address our overspending; and though this budget is, for lack of a better word, more frugal than maybe any budget that we have passed since 1996, it still increases total spending of the government almost twice the rate of inflation, and it does not deal with unfunded liabilities. It does not deal with changes to Social Security, with changes to the Medicare program or the Medicaid program that are going to allow these programs to

survive without threatening future generations with huge tax increases.

This is sort of a quick snapshot of the problems of Social Security, a short-term surplus. In 1983 under the Greenspan Commission, they raised the taxes so high that there was more money coming in than was needed; and so that money, maybe the word is "theoretically," was put into a trust fund, but there is nothing there except IOUs because government spent every cent of that money for other government programs. So in the short run, we had extra money coming in, all spent; and now in 2018 we are looking at there being less revenues coming in from even that high tax increase than is needed to pay promised benefits.

□ 2145

So a very bleak future in terms of future deficits.

When I have given speeches on Social Security, a lot question, how does Social Security work? So, very briefly, let me go through some of the provisions of how the Social Security program works.

Benefits, first of all, are highly progressive. That means that if you are a low-income earner, when you retire you can receive up to 90 percent of your average monthly check that you had for the 35 eligible years that you gained your Social Security credits. If you are a very high-income earner, then you come closer to getting back only maybe 15 percent of your average monthly check that you were earning when you were paying in your social security taxes.

At retirement, all of a worker's wages, up to the tax ceiling, are indexed to the present value. We are using wage inflation. The best 35 years of earnings are averaged out. So if you only worked 30 years, you got 5 years that is zero, and that is averaged in and averaged out as zero years. The average benefit for those retiring in 2004 equals 90 percent of earnings up to the first \$7,344. This is the progressive part. Ninety percent for that low income. Thirty-two percent of earnings between \$7,300 and 44,268, and then 15 percent of earnings above the 44,268. Early retirees receive adjusted benefits.

SSI. A lot of complaints about SSI, about the abuse of the Supplemental Security Income program and how that is hurting Social Security. Actually, SSI does not come out of the Social Security Trust Fund. It comes out of income taxes that go into the general fund.

Joining with colleagues who share my concern about government overspending, I think we are coming to a good start this year in making a difference on how we hold spending in line.

It is interesting that Franklin Delano Roosevelt, when he started Social Security in 1934, actually was suggesting that the savings be in private accounts but it be mandated savings based on earnings and that you could

not use that savings until your age of retirement. But that changed. Looking at the archives over here, it is interesting, the debate that went on in the House and the Senate in those years.

The House passed legislation that said government should run the whole program. Government should take the money and invest it and save it and then give fixed benefits to retirees when they retire.

The Senate passed the bill saying these should be individually owned accounts, where individuals could invest in limited investments, but of course forced to save and forced to invest with that money and not being allowed to be taken out until they retire.

When they went into conference, the House won that debate; and we ended up with a program where government takes all the money in and spends any extra money that is coming in and then promises that benefits will be paid. Several times over the history of the program since 1935 we have ended up with less money than we have needed, and what has happened is this Chamber and the Senate Chamber across the way, and the President, have simply said, every time money was short, that we are going to cut benefits or raise taxes or do both. And that is what has happened over the years.

The system is stretched to its limit in Social Security. There are 78 million baby boomers that will begin retiring in 2008. Social Security spending exceeds revenues in 2017 and Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. The reason the crisis is coming much sooner is because, even though the government has IOUs to pay back the money it has borrowed, government does not know where the money is coming from. So the danger when we come to the point of 2017, when there is less money coming in than going out, whether it is 2017 or 2018, is how does government come up with that money to pay promised benefits? Well, they either cut benefits or increase taxes or increase borrowing.

Social Security trust funds go broke technically in 2037, but that is if government pays back everything it has borrowed. Insolvency is certain. We know how many people there are and when they will retire. We know that people will live longer in retirement, and we know how much they will pay in and how much they will take out. We know that payroll taxes will not cover the benefits starting in 2017, and the shortfalls will add up to \$120 trillion between 2017 and 2075. So that is \$120 trillion in tomorrow's dollars. That translates into \$12 trillion that would have to be put in a savings account today, earning whatever the CPI inflation is, to accommodate the \$120 trillion that is needed in future years.

The coming Social Security crisis, our pay-as-you-go retirement system, will not meet the challenge of demographic change. Here is the problem, Mr. Speaker. The problem with Social

Security, the problem with Medicare is the problem we would have with any program that is based on a pay-as-you-go system, where existing workers pay in their taxes which are then immediately sent out in benefits for existing retirees.

The problem is that way back in 1940 we had 32 workers for each one retiree. By the year 2000, we got down to three workers for each retiree. And by 2025, the estimate is that there will be two workers for every retiree. So it is understandable that if those retirees are going to receive the same level of benefits, then each worker is going to have to pay in more tax revenue; and that is what we have been doing, is continually increasing the FICA taxes on existing workers over the years.

So, two problems: Well, problems, I have to be careful of that word. Two situations that have brought about the demographic changes: One is the situation where people are living longer. The other is the birth rate is going down. Now, remember the chart where we go from the green to the red? That is because of the fact that the big birthrate increase after World War II, the so-called baby boomers, are going to start retiring in the next few years.

Some have suggested, well, if we can just get the economy going, that will help; and there is no question that the economy helps in the short run. It helps in the short run because, as wages go up and more people are working, then there is more FICA tax coming in, more Social Security tax coming in. But it does not help in the long run because there is a direct relationship to wages while you are paying in and eventually the benefits that you are going to be taking out. So when the economy grows, workers pay more in taxes, but it also will earn more in benefits when that individual retires. Growth makes the numbers look better now but leaves a larger hole to fill later.

The administration has used, I think, sometimes, these shortcut figures to say that the desperation date of when we are going to run out of money is increasing, and that certainly happens with a strong economy.

Now, Social Security trust funds versus the Social Security's shortfall. A lot of people suggest that if government would just keep their hands off that surplus money coming in, that Social Security Trust Fund, everything would be okay.

I wanted this chart to show the relative difference between what is in the trust funds, the IOUs that are now down in Virginia, and where we have borrowed \$1.4 trillion from Social Security over the years. But the shortfall, as you remember, is \$12 trillion. So even if we pay all this money back, and we will, somehow. We will pay it back with extra borrowed money or we will increase taxes on the workers in those years when we make the change. The money will be paid back, but it is going to be very difficult as we continually

depend on tax increases to solve the Social Security problem.

Let me tell you why I am saying that. The situation is real in countries like France and Germany and Japan, where the senior population is a larger percent of the working population than it is in this country. The payroll taxes in France, for example, now are at about 50 percent. So an individual goes to work and works and earns so much money and half of that money is taken out for their taxes to cover the seniors in that country. In this country, we are up to 15.2 percent for our FICA tax. France is at 50 percent. Guess what Germany is? Germany has just passed a 40 percent payroll tax to cover the benefits for their senior population, and Japan is overwhelmed with the problems of their senior population as they try to tax workers.

You can understand that if you have that high of a tax, that businesses, that industry, that companies have to pay out, it comes from two places. They have to increase the price of their product or they decrease the salary and wages they are paying to their workers; and that makes them, that makes that country much less competitive. So you can sort of understand, simply by looking at the payroll taxes in France, some of their problems that they are now having with what I understand is 10 percent unemployment and some of the problems they are having with trying to compete with the United States and other countries.

The biggest risk for Social Security is doing nothing at all. Social Security has a total unfunded liability of over \$12 trillion. The Social Security trust funds contain nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent or we will continue increasing the debt of this country and the borrowing, which means that there is going to be a mounting interest rate.

When we look at the interest rate expense for this country, that is based probably on one of the lowest interest rates that we have had in a long time. So if interest rates go back up to normal, that can eat up twice the amount of the total spending budget that we now have simply because of the propensity of Members of Congress to spend more, to make more promises without knowing how those promised benefits are going to be paid for.

This is the diminishing returns on Social Security, and the reason that I made this chart is to demonstrate that Social Security is not a good investment. The real return of Social Security is less than 2 percent for most workers and shows a negative return for some, compared to over 7 percent for the general market. So if you happen to be a minority, which means on average you die before you reach the 65-year-old retirement for maximum benefits, so the average return on the investment for minority workers is a

negative figure. If you are average, then you average just under a 2 percent return.

But compare this with the Wilshire 5000 Index, where that index, in equities, has earned 11.86 percent, and that is after inflation, over the decade ending January 31, 2004. That is even through the slumping years of 2001 and 2002 and somewhat in 2003.

□ 2200

This is how long you are going to have to live after you retire if you are going to break even on what you and your employer have paid in to Social Security. The people who retired in 1940 at the beginning of the program, it was pretty good. They only had to live 2 months after retirement. By 1995, you had to live 16 years after retirement to get your Social Security checks coming in to break even. By 2005, now you have to live 23 years after. By 2015, you are going to have to live 26 years to break even on what you and your employer have paid in to Social Security. This is what we have done to American workers. There are 78 percent of American workers that pay more in the FICA tax, the Social Security tax, than they pay in the income tax. So in terms of tax breaks for working Americans, we should be looking at possibly lowering their FICA tax, because that is where they are spending the money.

Let me go into my proposals for changing Social Security. I chaired the bipartisan Social Security task force. After about a year, every member of that task force agreed that we had to do something very quickly to save Social Security. The tendency of Congress is you wait until the disaster hits and then you make changes. But the longer we wait to solve Social Security, the longer we wait to solve the Medicare and Medicaid problem the more drastic those solutions are going to be. The six principles that I think are reasonable are protect current and future beneficiaries; allow freedom of choice; preserve the safety net, in other words, leave some of that trust fund money available; make Americans better off, not worse off; create a fully funded system; and no tax increases.

I have introduced legislation. This is my 12th year in Congress. I have introduced Social Security legislation ever since I first came to Congress. Actually, I wrote my first bill when I was chairman of the Michigan Senate finance committee, because it was obvious, even in the late eighties and early nineties, that Social Security was heading for a cliff of very serious financial problems of solvency. The people choosing to participate in the voluntary account program would continue to receive benefits directly from the government. This is my bill that I introduced a few months ago. Those benefits would be offset based on the amount of money deposited into their account and not on the amount of money earned in the account. This means that workers could expect to

earn more from their accounts than was the offset for the Social Security benefits that would be reduced.

It is interesting to observe some of the municipalities that have elected to have their own personal retirement savings plans rather than have Social Security. When we passed the Social Security bill and started it in 1935, the option for State government and local government was to allow them to opt out of Social Security. Some of those counties now in the United States that opted out of Social Security are having retirees with benefits as high as 40 and 50 and \$60,000 a year because of personal investments as opposed to the general Social Security program that has ended up with a 1.7 percent return on Social Security.

I think it is important to mention that part of Social Security is the disability program. The disability insurance program is not touched by anyone that has suggested any changes in Social Security, so the insurance part of that program continues to be a government insurance program to protect eligible workers and make payments if they are injured on the job.

The worker accounts, the question is, can we do better? Is there some way to earn more than the 1.7 percent that we are now earning on Social Security dollars coming in? All worker accounts would be owned by the worker and invested through pools supervised by the government. In other words, they would be limited to index stocks, index bonds, index cap funds, and investments otherwise determined by the Secretary of the Treasury to be safe investments. So the investments are limited, just like anybody that works for government now. Our Federal payroll deductions go into a Thrift Savings Plan with individual employees and members able to choose how much of the money goes into each plan, but there is a limited choice on the number of plans that you are eligible to invest in. Regulations would be instituted to prevent people from taking undue risks. And until the account balance reaches \$2,500, a worker would be limited to choosing one of three funds, an 80 percent bond/20 percent stock fund or a 60/40 fund or a 40/60 fund. And after the balance reaches \$2,500, workers would have access to additional safe funds as determined by the Secretary of the Treasury.

The legislation that we introduced, and this was bipartisan legislation with Republicans and Democrats that signed on to my bill, the bill would increase contribution limits for IRAs and 401(k)s and pension plans. I put this in the bill because I think it is important that we increase the savings of the United States. The savings of the United States is one of the lowest savings rates in the world. And so how do we get back to the days where the United States had one of the highest savings rates in the world? I think allowing some tax advantages to encourage savings is part of the motivation

that can bring us back to a reasonable savings.

The legislation I introduced would create a 33 percent tax credit for the purchase of long-term care insurance up to \$1,000, \$2,000 for a couple. It would create a tax credit to make it easier for low-income seniors to live at home or with family rather than going to retirement care. And low-income seniors would be eligible for the \$1,000 for expenses related to living in their own home. Households caring for dependent parents would also be eligible for a \$1,000 credit for expenses.

I call this fairness for women. I suppose if I was politically correct, I would call it fairness to spouses. But generally women have been short-changed in the Social Security program. These are the changes that are incorporated in my legislation. For married couples, account contributions would be pooled and then divided equally between husband and wife. In other words, if one spouse was making \$80,000 a year and the other spouse was making \$20,000 a year, they would be added together; and the eligibility at \$50,000 for each spouse and the percentage allowed to go into their private investment account would be based on adding the two incomes together and dividing by two. So both husband and wife would have exactly the same amount every year in their personally owned savings account.

The legislation would increase surviving spouse benefits to 110 percent of the higher earning spouse's benefit. Somehow we need to have programs that encourage seniors to stay in their own homes rather than nursing home care that can cost 40, 50, \$60,000 a year. This is one of the areas that instead of the current law that says you could have 100 percent of that higher benefit, this legislation would increase it to 110 percent of the higher benefit. The stay-at-home mothers with kids under 5 would receive retirement credit. So for those limited years that they have children under 5 years old, they would be credited for the 35 years that is being used to determine benefits. For those years that they are at home with these young kids, they would be credited with the average earnings for those higher income years.

The Retirement Security Act has been scored by the Social Security actuaries to restore long-term solvency to Social Security. There would be no increases in the retirement age, changes in benefits for seniors or near seniors, or changes in the Social Security COLA. Solvency would be achieved by recouping a portion of the higher returns from worker accounts and slowing the increase in benefits for the highest earning retirees.

So what we do to help come up with the money to keep this program solvent is we reduce the increase in benefits for higher-income retirees, and secondly we allow a personal investment that can earn more money, but that individual worker still can have a retirement benefit that even though they are

working in modest income, they can retire at very much higher incomes. The bill would also call for a loan of \$900 billion from the general fund to Social Security to ease in the transition as we go into some of these private accounts. That loan is paid back over the years.

When I introduced my first bill in 1994 and 1996, it was not necessary to borrow that money because the surplus coming in in those early years was so much greater. Now the surplus coming in from Social Security is declining; and, of course, as we noted on the one chart, it is going to run out.

The program, the trust fund continues. The Retirement Security Act would allow workers to create on a voluntary basis accounts funded from their payroll taxes. It would be in their name; so if they die before the age of 65, they own the money. The money would go to their heirs and their kids. The accounts would start at 2.5 percent of income and would reach 8 percent of income by 2075. Workers would own the money in their accounts. It is their money. Investments would be limited and widely diversified and investment providers would be subject to government oversight. The government would supplement the accounts of low-income workers making less than \$35,000 a year to ensure that the lower income workers build up the kind of equity that is going to allow them to retire with much higher incomes.

The kind of spending that we have had in Congress means higher taxes are coming, maybe not in the next year or two, but eventually. The same Congress that could not bring itself to add a few real reforms to Medicare in a gigantic benefit expansion bill is not likely to cut benefits to the degree necessary to head off financial crisis. I take some comfort in what is happening this year from a new willingness among many Members of the Republican Conference to tighten our line on spending. And though some Members express concerns that maybe you should not have cuts in an election year, the overwhelming majority of Republicans agree that we have got to cut down on spending, we have got to have some kind of PAYGO rules that put some teeth, if you will, into assuring that we are going to limit spending. Joining with colleagues who share my concern with government overspending, we are going to reimpose those caps that we had in the 1980s and through the surplus period of the late 1990s.

Another aspect of the solution is improving the honesty of government accounting. I would like to mention, Mr. Speaker, a bill that I am introducing to require the CBO, the Congressional Budget Office, and OMB to include unfunded liabilities, the \$73.5 trillion that we mentioned, in their budget projections. So it is legislation that is going to make us more aware of the fact that we are making more promises than we can afford.

To put \$73.5 trillion in perspective, it amounts to 7 years of the gross domestic product of the United States, more than 30 times the President's proposed budget for this year; and it means that with 290 million Americans divided into that \$73.5 trillion, every man, woman and child has a responsibility for more than \$250,000. Some people have said that we should not worry so much about unfunded liability because it can be wiped out by reforms. I think that is the challenge. Are we going to do reforms this election year? Or are we going to put off those reforms until maybe after the election and try to do them next year?

□ 2215

Congress and the President I think can redeem their record on spending to a large degree if they push hard for Social Security reform after this election. But it remains to be seen whether we will take on that fight, and it will be a fight because steeply progressive taxes and big government have been combined to form a powerful electoral bloc.

Here again that bloc is 50 percent of earners in this country pay less than 1 percent of the income tax; and, as with health care, somehow everybody has got to participate in the taxes that run this government if they are going to look at their demands for increased government and know somehow that it affects their particular pocketbook. The same is true with Medicare and Medicaid. Somehow the reasonableness of those that are frugal in demanding additional health care need to have some kind of reward and those that are wasteful need to have some kind of scolding.

The old system, of course, before Medicare and Medicaid was that one worked hard and they earned money and they wanted to save that money, so they were very careful how they spent that money for health care and they asked the doctor, look, how much is this going to cost and why are you charging me this much on the bill? But when there are third-party payers, when government is paying the full bill, it is easy not to be as conscientious in demanding accountability from health care providers.

Empires decline when they fail to act on fundamental problems; and I wonder at times, Mr. Speaker, if we are not too distracted by endless scandals and horse-race politics of our media culture to grapple with what is best for our country. Too often, politics get reduced entirely to who benefits and who pays, but there have been times when I have been both surprised and inspired by the American people, by the people in this Chamber and the Senate and the White House who say we have got to come to grips with real problems that are facing this country. Despite the fact that it would sometimes seem easy to say, well, let us tax the rich and spend more money for the less rich and divide the wealth, I think it is important to re-

member that this country was built on a foundation and a motivation where those individuals that worked hard and saved, that tried and invested and that were careful with their spending ended up better off than those that did not.

So as we come with legislation that sometimes on the surface seems attractive to divide the wealth, I think we have got to be very careful; and this gives me help and hope.

As Lincoln concluded at Gettysburg "that this Nation under God shall have a new birth of freedom and that government of the people, by the people, and for the people shall not perish from the earth," I think he was right because we are going to come to grips with these problems.

It is just important that the American people this year remind their elected representatives. In fact, I say to the American people when they go to debates to ask those individuals running for President, those individuals running for the U.S. Senate, those individuals running for the U.S. House of Representatives, "What bill have you sponsored or signed on to to save Social Security and to save Medicare?" Do not let them give a lot of fast talk, but ask exactly what are they going to do to deal with this huge unfunded liability that this country is facing, where promises have far exceeded our ability to pay for them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. DELAY) for today until 5:00 p.m. on account of medical reasons.

Mr. HULSHOF (at the request of Mr. DELAY) for today and March 31 on account of family reasons.

SPECIAL ORDERS GRANTED

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

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

Mr. EMANUEL, for 5 minutes, today.

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

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

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

Mrs. JOHNSON of Connecticut, for 5 minutes, March 31.

Ms. ROS-LEHTINEN, for 5 minutes, March 31 and April 1.

Mr. HENSARLING, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, March 31 and April 1.

Mr. FLAKE, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. CARSON of Indiana, for 5 minutes, today.

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

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 31, 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:

7328. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 04-04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7329. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of a determination and certification on a chemical weapons proliferation sanctions matter; to the Committee on International Relations.

7330. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for *Cirsium ioncholepis* (La Graciosa thistle) (RIN: 1018-AD88) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7331. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031126297-3297-01; I.D. 021204A] received 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7332. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031126295-3295-01; I.D. 021204B] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7333. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off

Alaska; Provisions of the American Fisheries Act [Docket No. 030819206-4051-02; I.D. 020204A] (RIN: 0648-AR42) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7334. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031126297-3297-01; I.D. 022304C] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7335. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery [Docket No. 011206293-3182-02; I.D. 020504A] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7336. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031126297-3297-01; I.D. 020204B] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7337. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2003, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

7338. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-401 and -402 Airplanes [Docket No. 2004-NM-11-AD; Amendment 39-13508; AD 2004-05-13] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7339. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2004-NM-20-AD; Amendment 39-13507; AD 2004-05-12] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7340. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2002-NM-334-AD; Amendment 39-13509; AD 2004-05-14] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2001-NM-148-AD; Amendment 39-13506; AD 2004-05-11] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7342. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de

Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-178-AD; Amendment 39-13512; AD 2004-05-17] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7343. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2003-NM-258-AD; Amendment 39-13516; AD 2004-05-21] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7344. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-101-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A 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-362-AD; Amendment 39-13515; AD 2004-05-20] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7345. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 700 Series Turbofan Engines [Docket No. 2003-NE-55-AD; Amendment 39-13526; AD 2004-05-31] (RIN: 2120-AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7346. A letter from the Acting Administrator, Department of Health and Human Services, transmitting a request to consider publication of the proposed rule on the Inpatient Prospective Payment System (PPS) dated May 4, 2001 as the report to Congress required by section 533(a)(1) of the Benefits Improvement and Protection Act (BIPA) of 2000; to the Committee on Ways and Means.

7347. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations, pursuant to Public Law 108-87, section 8006; jointly to the Committees on Armed Services and Appropriations.

7348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting amended Fiscal Procedures Agreement and revised Article X of the Federal Programs and Services Agreement, as negotiated with the Federated States of Micronesia (FSM) so as to conform with sections 104(j) and 105(f) and (i) of the Compact of Free Association Amendments Act of 2003 (Pub. L. 108-188); jointly to the Committees on International Relations and Resources.

7349. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Act for FY 2005; jointly to the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, House Administration, Ways and Means, Veterans' Affairs, the Judiciary, Government Reform, Small Business, International Relations, and the Budget.

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. BARTON: Committee on Energy and Commerce. H.R. 3658. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; with an amendment (Rept. 108-453). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 585. Resolution providing for the consideration of the resolution (H. Res. 581) expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States (Rept. 108-454). 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. MICA (for himself, Mr. DEFAZIO, and Mr. ISRAEL):

H.R. 4056. A bill to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, 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. RENZI (for himself, Mrs. NORTHP, Mr. SHAYS, Mr. NEY, Mr. SIMMONS, Mr. PICKERING, Mr. TIBERI, Ms. PRYCE of Ohio, Mr. MATHESON, Mrs. JOHNSON of Connecticut, Mr. CAPUANO, and Mr. REYNOLDS):

H.R. 4057. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, supportive and other services, including assistance in accessing non-homeless specific benefits and services, and for other purposes; to the Committee on Financial Services.

By Mr. HYDE:

H.R. 4058. A bill to authorize assistance for civilians in foreign countries who have been affected by conflict, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. NADLER, Mr. MCHUGH, Mr. HINCHEY, Mr. McNULTY, Mr. OWENS, Mr. WEINER, Mr. SERRANO, Mr. TOWNS, Mr. GRIJALVA, Mr. BISHOP of New York, and Mr. RANGEL):

H.R. 4059. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. SMITH of Michigan):

H.R. 4060. A bill to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes; to the Com-

mittee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. ROHRABACHER, Mr. LANTOS, Mr. HYDE, Ms. MCCOLLUM, and Mr. LEACH):

H.R. 4061. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on International Relations.

By Mr. MANZULLO (for himself and Ms. VELÁZQUEZ):

H.R. 4062. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes; to the Committee on Small Business.

By Mr. BALLANCE:

H.R. 4063. A bill to authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. BLACKBURN (for herself, Mr. CALVERT, Mr. SMITH of Texas, Mr. SOUDER, Mr. TANCEDO, Mr. ISSA, Mr. GOODE, Mr. ROYCE, Mr. KING of Iowa, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, and Mr. GALLEGLY):

H.R. 4064. A bill to require certain Federal service contractors to participate in a pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 4065. A bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available to a veteran, and to provide for annual adjustments to such amount; to the Committee on Veterans' Affairs.

By Mr. COLE:

H.R. 4066. A bill to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes; to the Committee on Resources.

By Mr. GILCHREST (for himself, Mr. OLVER, Mr. SHAYS, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mr. SIMMONS, Mr. WAXMAN, Mr. GREENWOOD, Ms. DEGETTE, Mr. HOUGHTON, Ms. LOFGREN, Mr. EHLERS, Mr. FORD, Mr. WALSH, Mr. UDALL of Colorado, Mrs. KELLY, and Ms. SOLIS):

H.R. 4067. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that will limit greenhouse gas emissions in the United States, reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 4068. A bill to amend the Help America Vote Act of 2002 to postpone the deadline by which a State is required to meet the election administration requirements of the Act until the total amount appropriated to the State for requirements payments under the Act is equal to or greater than the costs incurred by the State in meeting such requirements; to the Committee on House Administration.

By Mr. HINCHEY:

H.R. 4069. A bill to amend the Communications Act of 1934 to prevent excessive concentration of ownership of the nation's media outlets, to restore fairness in broadcasting, and to foster and promote localism, diversity, and competition in the media; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself and Mr. LARSON of Connecticut):

H.R. 4070. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. MCHUGH:

H.R. 4071. A bill to extend the time within which claims may be filed under the September 11th Victim Compensation Fund; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD (for herself and Mrs. CAPITO):

H.R. 4072. A bill to authorize the Director of the Centers for Disease Control and Prevention to conduct minority health programs; to the Committee on Energy and Commerce.

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

H.R. 4073. A bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mrs. MUSGRAVE, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. TOOMEY, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. PENCE, Mr. CHABOT, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. GARRETT of New Jersey, Mr. FEENEY, Mr. CULBERSON, Mr. WELDON of Florida, Mrs. MYRICK, Mr. ISTOOK, and Mr. GUTKNECHT):

H.R. 4074. A bill to amend section 1105 of title 31, United States Code, to require the President to include the estimated unfunded liabilities of all Federal programs in annual budget submissions; to the Committee on the Budget.

By Mr. SMITH of Michigan (for himself, Mr. HOSTETTLER, and Mr. MILLER of Florida):

H.R. 4075. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses which may offset ordinary income; to the Committee on Ways and Means.

By Ms. SOLIS (for herself, Ms. DEGETTE, and Ms. WOOLSEY):

H.R. 4076. A bill to prohibit the manufacture, processing, or distribution in commerce of pentabrominated diphenyl ethers and octabrominated diphenyl ethers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBEY (for himself, Mr. ALLEN, Ms. DELAURO, Mr. EVANS, Mr. FATTAH, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. OLVER, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. UDALL of New Mexico):

H. Con. Res. 401. Concurrent resolution revising the concurrent resolution on the budget for fiscal year 2005; to the Committee on the Budget.

By Mr. TANCREDO (for himself and Mr. PAYNE):

H. Con. Res. 402. Concurrent resolution recognizing the involvement in or support for acts of international terrorism by senior officials of the Government of the Republic of the Sudan and calling on Sudan to cease its involvement in acts of international terrorism and to prosecute and punish any Sudanese officials who have supported or have been involved in acts of international terrorism; to the Committee on International Relations.

By Mr. OBEY (for himself, Mr. ALLEN, Ms. DELAURO, Mr. EVANS, Mr. FATTAH, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HOFFFEL, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. OLVER, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. UDALL of New Mexico):

H. Res. 583. A resolution revising the concurrent resolution on the budget for fiscal year 2005, as passed the House; to the Committee on the Budget

By Mr. EDWARDS:

H. Res. 584. A resolution providing for consideration of the bill (H.R. 548) to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Rules.

By Mr. FROST:

H. Res. 586. A resolution expressing the sense of the House of Representatives that an Aviation Maintenance Technician Day should be established in recognition of Charles Edward Taylor's invaluable contributions to aviation; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mr. PITTS, Mr. HASTINGS of Florida, and Mr. ADERHOLT):

H. Res. 587. A resolution expressing the sense of the House of Representatives regarding the recent outbreak of violence in Kosovo; to the Committee on International Relations.

By Mr. TIAHRT:

H. Res. 588. A resolution amending the Rules of the House of Representatives to repeal clause 3 of rule XXI relating to transportation obligation limitations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON of Indiana introduced A resolution (H. Res. 589) referring the bill (H.R. 3646) entitled "A bill for the relief of Adela and Darryl Bailor" to the chief judge of the United States Court of Federal Claims for a report thereon; 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. 106: Mr. VITTER.

H.R. 284: Mr. SHAYS.

H.R. 463: Mr. FILNER.

H.R. 548: Mr. CROWLEY, Mrs. LOWEY, Mr. SCOTT of Virginia, Mr. MEEHAN, and Mr. RUSH.

H.R. 570: Mrs. MUSGRAVE.

H.R. 728: Mr. ANDREWS.

H.R. 770: Mr. EMANUEL.

H.R. 792: Mr. JOHN.

H.R. 800: Mr. SIMPSON.

H.R. 806: Ms. MCCARTHY of Missouri.

H.R. 823: Mr. PETERSON of Minnesota.

H.R. 857: Mr. WILSON of South Carolina, Mr. COBLE, and Mr. DREIER.

H.R. 942: Mr. BELL.

H.R. 953: Mr. HALL and Mr. SMITH of Washington.

H.R. 1057: Ms. HARRIS and Mr. TURNER of Ohio.

H.R. 1083: Mr. UPTON, Mr. ROGERS of Alabama, Mr. WALSH, Ms. ROYBAL-ALLARD, and Mr. FILNER.

H.R. 1084: Mr. STENHOLM.

H.R. 1097: Mr. LAMPSON.

H.R. 1117: Mr. BARTLETT of Maryland.

H.R. 1120: Mr. BELL and Mr. RYAN of Ohio.

H.R. 1206: Mr. GOODE.

H.R. 1222: Mr. CRENSHAW.

H.R. 1310: Mr. HAYES.

H.R. 1336: Mr. BONNER and Mr. TANCREDO.

H.R. 1359: Mr. GONZALEZ.

H.R. 1608: Mr. PLATTS.

H.R. 1613: Ms. LORETTA SANCHEZ of California, Mr. WEINER, and Ms. LINDA T. SANCHEZ of California.

H.R. 1639: Mr. GORDON.

H.R. 1708: Mr. KLINE.

H.R. 1726: Ms. KAPTUR.

H.R. 1731: Mr. PORTER.

H.R. 1778: Mr. BLUMENAUER.

H.R. 1787: Mr. REHBERG.

H.R. 1824: Ms. PELOSI.

H.R. 1873: Mr. WOLF.

H.R. 1919: Mr. HOFFFEL, Mr. WEINER, Mr. HOLT, Mr. LAHOOD, and Ms. JACKSON-LEE of Texas.

H.R. 1924: Mr. STRICKLAND.

H.R. 1995: Mr. LAMPSON.

H.R. 2193: Mrs. BONO.

H.R. 2239: Mr. EMANUEL, Mr. PASTOR, Mr. BOYD, and Ms. BERKLEY.

H.R. 2265: Mr. MCNULTY.

H.R. 2402: Mr. OWENS.

H.R. 2404: Mr. PUTNAM, Mr. BURGESS, and Mr. PETRI.

H.R. 2527: Mr. KUCINICH.

H.R. 2612: Mr. RODRIGUEZ.

H.R. 2671: Mr. ROYCE.

H.R. 2699: Mr. RAMSTAD, Mr. DAVIS of Tennessee, Mr. WICKER, Mr. ROHRABACHER, Mr. WELLER, Mr. MCKEON, and Mr. GINGREY.

H.R. 2821: Mr. LAMPSON, Mr. HOLT, and Mr. COOPER.

H.R. 2824: Mr. BAIRD.

H.R. 2889: Mr. WELDON of Pennsylvania.

H.R. 2890: Mr. WELDON of Pennsylvania.

H.R. 2908: Mr. GORDON.

H.R. 2926: Mr. LEWIS of Georgia.

H.R. 3035: Ms. CORRINE BROWN of Florida.

H.R. 3111: Mr. LAHOOD, Mr. HINCHEY, Mr. BURNS, and Mr. BOSWELL.

H.R. 3133: Ms. SCHAKOWSKY.

H.R. 3204: Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. HOEKSTRA, Mr. LEACH, Mr. YOUNG of Florida, and Mr. STENHOLM.

H.R. 3213: Mr. PUTNAM, Mr. KLINE, and Mr. MURPHY.

H.R. 3246: Mr. BEAUPREZ.

H.R. 3313: Mr. DUNCAN and Mr. STEARNS.

H.R. 3350: Mr. GORDON.

H.R. 3359: Mrs. MCCARTHY of New York and Mr. FRANK of Massachusetts.

H.R. 3369: Mr. BRADLEY of New Hampshire.

H.R. 3438: Mr. ANDREWS and Ms. HARRIS.

H.R. 3441: Mr. PAYNE, Mr. BLUMENAUER, Mr. LEWIS of Kentucky, Mr. VAN HOLLEN, Ms. LINDA T. SANCHEZ of California, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. DOOLEY of California, and Mr. BRADLEY of New Hampshire.

H.R. 3513: Mr. UDALL.

H.R. 3561: Mr. HERGER.

H.R. 3563: Mr. PUTNAM.

H.R. 3673: Mr. OLVER.

H.R. 3716: Mr. GILLMOR, Mr. WILSON of South Carolina, Mr. BOEHLERT, Mr. BALLANCE, and Mr. MURPHY.

H.R. 3729: Mr. LARSEN of Washington, Ms. ESHOO, Mr. ISRAEL, Mr. LIPINSKI, Mr. GORDON, Mr. MCGOVERN, Mr. CROWLEY, Ms. MCCOLLUM, Mr. DICKS, Mr. FRANK of Massachusetts, and Mr. HOFFFEL.

H.R. 3731: Mr. ANDREWS.

H.R. 3756: Mr. ROGERS of Michigan, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Mrs. MCCARTHY of New York.

H.R. 3763: Mr. TIERNEY.

H.R. 3801: Mr. HENSARLING, Mr. POMBO, and Mr. RYUN of Kansas.

H.R. 3803: Mr. MCNULTY.

H.R. 3810: Mr. BROWN of Ohio and Mr. PAYNE.

H.R. 3818: Mr. MATHESON, Mr. HOFFFEL, Ms. MAJETTE, Ms. SLAUGHTER, and Mrs. DAVIS of California.

H.R. 3833: Mr. SCOTT of Georgia.

H.R. 3881: Mr. COOPER, Mr. TIERNEY, Mr. ALLEN, Ms. HARMAN, Mr. MEEKS of New York, Mrs. MALONEY, and Mr. STRICKLAND.

H.R. 3888: Mr. SANDLIN.

H.R. 3889: Mr. EHLERS and Mr. MCHUGH.

H.R. 3916: Mr. ENGLISH.

H.R. 3920: Mr. ADERHOLT, Mr. SESSIONS, and Mr. BALLENGER.

H.R. 3921: Mr. MOORE.

H.R. 3951: Mr. THOMPSON of Mississippi, Mr. HOSTETTLER, Mr. LANGEVIN, and Mr. COOPER.

H.R. 3974: Mr. PRICE of North Carolina and Mr. CLAY.

H.R. 3981: Mr. BONNER.

H.R. 4007: Mr. SENSENBRENNER.

H.R. 4008: Mr. BURR, Mr. FROST, and Mr. TOWNS.

H.R. 4010: Mr. PORTER.

H.R. 4011: Mr. BURTON of Indiana, Mr. PAYNE, and Mr. MCCOTTER.

H.R. 4023: Mr. PICKERING.

H.R. 4032: Ms. BERKLEY.

H.J. Res. 46: Mr. GINGREY.

H.J. Res. 62: Mr. GREENWOOD.

H. Con. Res. 47: Mr. GONZALEZ.

H. Con. Res. 56: Mr. COBLE and Mr. JONES of North Carolina.

H. Con. Res. 247: Mr. UPTON.

H. Con. Res. 276: Ms. SCHAKOWSKY.

H. Con. Res. 310: Mr. DEMINT.

H. Con. Res. 314: Mr. THOMPSON of Mississippi and Mr. COSTELLO.

H. Con. Res. 318: Mr. ROYCE, Mr. DOOLITTLE, Mr. WAMP, and Mr. BISHOP of New York.

H. Con. Res. 326: Mr. MCCOTTER.

H. Con. Res. 332: Mr. PITTS, Ms. HARRIS, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. COBLE, Mr. OLVER, Mr. RANGEL, Mr. RENZI, Mr. BURGESS, Mr. PASTOR, Mr. SMITH of Washington, and Mr. HONDA.

- H. Con. Res. 346: Mr. MEEKS of New York.
H. Con. Res. 352: Mr. MCCOTTER, Ms. LEE, and Mr. ROYCE.
H. Con. Res. 371: Mr. RENZI and Mr. COOPER.
H. Con. Res. 375: Mr. RYAN of Ohio, Mr. GOODE, Mr. GONZALEZ, Mr. HOSTETTLER, and Mr. STRICKLAND.
H. Con. Res. 378: Mr. LANTOS, Mr. JONES of North Carolina, Mr. CLAY, Mr. SANDERS, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. SNYDER, Ms. NORTON, Mr. MCCOTTER, Ms. ESHOO, Ms. DELAURO, Ms. LEE, and Mr. TERRY.
H. Con. Res. 380: Mr. DAVIS of Tennessee, Ms. LOFGREN, Mr. CONYERS, and Mr. OWENS.
H. Res. 402: Mr. HAYES, Mr. GORDON, and Mr. CHANDLER.
H. Res. 514: Mr. WOLF and Mr. MURPHY.
H. Res. 550: Mr. ETHERIDGE, Mr. CASE, Mr. BOUCHER, and Mr. GONZALEZ.
H. Res. 556: Mr. EHLERS.
H. Res. 558: Mr. TURNER OF TEXAS.
H. Res. 563: Mr. SMITH of New Jersey and Mr. FLAKE.
H. Res. 576: Mr. FORBES, Mr. GREEN of Wisconsin Mr. MCCOTTER, Mrs. MALONEY, Mr. MEEHAN, Mr. COBLE, and Mr. WEINER.
H. Res. 578: Mr. MEEKS of New York, Ms. HARRIS, Mr. GREEN of Texas Mr. LAMPSON, Mr. BACA, Mr. TIBERI, and Mr. GONZALEZ.
H. Res. 579: Mr. STARK and Mr. VISCLOSKY.



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No. 42

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

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

Let us pray.

Sovereign Saviour, under whom all hearts are open, all desires known, and from Whom no secrets are hidden, You commended the light to shine out of darkness and gave us the gift of this new day. Forgive us when we ignore Your efforts to guide us. Help us to take the long view of our work and to not become weary of helping others.

Thank You, Lord, for teaching us to trust You and for opening our minds to the counsels of Your eternal wisdom. Increase our hunger for right living and teach us the power of gratitude.

Today keep our Senators within the circle of Your will, and may they be willing to be led by You. Guide them and give them the graciousness to strive to humbly serve one another, following Your example of lowliness.

We pray this in Your living Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN 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 journal clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2004.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Mr. President, very briefly, today following morning business, at approximately 10:45, the Senate will resume consideration of H.R. 4, the welfare reauthorization bill. At 12:15 we will proceed to a vote on the Snowe amendment on child care. Following that vote the Senate will recess for our weekly party lunches. For the remainder of the day the Senate will continue with the welfare bill and amendments thereto. The chairman and ranking member of the Finance Committee will be here throughout the day to work through those amendments. Senators should therefore expect votes throughout the day. I encourage Members who have amendments to notify the bill managers in the hopes that we can process those amendments and move forward with this bill.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee.

RECOGNITION OF THE MINORITY LEADER

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

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that my leader time not be taken as part of the allocation for Members in morning business.

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

SYSTEMATIC ABUSE OF GOVERNMENT PREROGATIVES

Mr. DASCHLE. Mr. President, last week I spoke about the White House's reaction to Richard Clarke's testimony before the 9/11 Commission. I am compelled today to rise again because the people around the President are systematically abusing the powers and the prerogatives of Government.

We all need to reflect seriously on what is going on, not in anger, not in partisanship, but in keeping with our responsibilities as Senators, with an abiding respect for the fundamental values of our democracy.

Richard Clarke did something extraordinary when he testified before the 9-11 Commission last week. He didn't try to escape blame, as so many routinely do.

Instead, he accepted his share of responsibility and offered his perceptions

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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about what happened in the months and years leading up to September 11.

We can and should debate the facts and interpretations Clarke has offered. But there can be no doubt that he has risked enormous damage to his reputation and professional future to hold both himself and our Government accountable.

The retaliation from those around the President has been fierce. Mr. Clarke's personal motives have been questioned and his honesty challenged. He has even been accused, right here on the Senate floor, of perjury. Not one shred of proof was given, but that wasn't the point. The point was to have the perjury accusation on television and in the newspapers. The point was to damage Mr. Clarke in any way possible. This is wrong—and it is not the first time it has happened.

When Senator MCCAIN ran for President, the Bush campaign smeared him and his family with vicious, false attacks.

When Max Cleland ran for reelection to this Senate, his patriotism was attacked. He was accused of not caring about protecting our Nation—a man who lost both legs and an arm in Vietnam, accused of being indifferent to America's national security. That was such an ugly lie, it's still hard to fathom almost 2 years later.

There are some things that simply ought not be done—even in politics. Too many people around the President seem not to understand that, and that line has been crossed.

When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq, Niger, and uranium, the people around the President didn't respond with facts. Instead, they publicly disclosed that Ambassador Wilson's wife was a deep-cover CIA agent. In doing so, they undermined America's national security and put politics first. They also may well have put the lives of Ambassador Wilson's wife, and her sources, in danger.

When former Treasury Secretary Paul O'Neil revealed that the White House was thinking about an Iraq War in its first weeks in office, his former colleagues in the Bush administration ridiculed him from morning to night, and even subjected him to a fruitless Federal investigation.

When Larry Lindsay, one of President Bush's former top economic advisors, and General Eric Shinseki, the former Army Chief of Staff, spoke honestly about the amount of money and the number of troops the war would demand, they learned the hard way that the White House doesn't tolerate candor.

This is not "politics as usual." In nearly all of these cases, it's not Democrats who are being attacked. Senator MCCAIN and Secretary O'Neill are prominent Republicans, and Richard Clarke, Larry Lindsay, Joe Wilson, Eric Shinseki, and Larry Lindsay all worked for Republican administrations. The common denominator is

that these Government officials said things the White House didn't want said.

The response from those around the President was retribution and character assassination—a 21st century twist to the strategy of "shooting the messenger."

If it takes intimidation to keep inconvenient facts from the American people, the people around the President don't hesitate. Richard Foster, the chief actuary for Medicare, found that out. He was told he'd be fired if he told the truth about the cost of the administration's prescription drug plan.

This is no way to run a government. The White House and its supporters should not be using the power of Government to try to conceal facts from the American people or to reshape history in an effort to portray themselves in the best light. They should not be threatening the reputations and livelihoods of people simply for asking—or answering—questions. They should seek to put all information about past decisions on the table for evaluation so that the best possible decisions can be made for the Nation's future.

In Mr. Clarke's case, clear and troubling double standards are being applied.

Last year, when the administration was being criticized for the President's misleading statement about Niger and uranium, the White House unexpectedly declassified portions of the National Intelligence Estimate.

When the administration wants to bolster its public case, there is little that appears too sensitive to be declassified.

Now, people around the President want to release parts of Mr. Clarke's earlier testimony in 2002. According to news reports, the CIA is already working on declassifying that testimony—at the administration's request.

And last week several documents were declassified literally overnight, not in an effort to provide information on a pressing policy matter to the American people, but in an apparent effort to discredit a public servant who gave 30 years of service to the American Government.

I'll support declassifying Mr. Clarke's testimony before the Joint Inquiry, but the administration shouldn't be selective.

Consistent with our need to protect sources and methods, we should declassify his entire testimony. And to make sure that the American people have access to the full record as they consider this question, we should also declassify his January 25 memo to Dr. Rice, the September 4, 2001 National Security Directive dealing with terrorism, Dr. Rice's testimony to the 9-11 Commission, the still-classified 28 pages from the House-Senate inquiry relating to Saudi Arabia, and a list of the dates and topics of all National Security Council meetings before September 4, 2001.

I hope this new interest in openness will also include the Vice President's

Energy and Terrorism Task Forces. While much, if not all, of what these task forces discussed was unclassified, their proceedings have not been shared with the public to date.

There also seems to be a double standard when it comes to investigations. In recent days leading congressional Republicans are now calling for an investigation into Mr. Clarke.

As I mentioned earlier, Secretary O'Neill was also subjected to an investigation.

Clarke and O'Neill sought legal and classification review of any information in their books before they were published.

Nonetheless, our colleagues tell us these two should be investigated, at the same time that there has been no Senate investigation into the leaking of Valerie Plame's identity as a deep cover CIA agent, no thorough investigation into whether leading administration officials misrepresented the intelligence regarding threats posed by Iraq, no Senate hearings into the threat the chief Medicare Actuary faced for trying to do his job, and no Senate investigation into the reports of continued overcharging by Halliburton for its work in Iraq.

There is a clear double standard when it comes to investigating or releasing information, and that's just not right. The American people deserve more from their leaders.

We're seeing it again now in the shifting reasons the White House has given for Dr. Rice's refusal to testify under oath and publicly before the 9-11 Commission.

The people around the President first said it would be unprecedented for Dr. Rice to testify. But thanks to the Congressional Research Service, we now know that previous sitting National Security Advisors have testified before Congress.

Now the people around the President are saying that Dr. Rice can't testify because it would violate an important constitutional principle: the separation of powers.

We will soon face this debate again when it comes time for President Bush and Vice President CHENEY to meet with the 9-11 Commission. I believe they should lift the limitations they have placed on their cooperation with the Commission and be willing to appear before the entire Commission for as much time as the Commission deems productive.

The all-out assault on Richard Clarke has gone on for more than a week now. Mr. Clarke has been accused of "profiteering" and possible perjury. It is time for this to stop.

The commission should declassify Mr. Clarke's earlier testimony. All of it. Not just the parts the White House wants. And Dr. Rice should testify before the 9-11 Commission, and she should be under oath and in public.

The American people deserve to know the truth—the full truth—about what happened in the years and months leading up to September 11.

Senator MCCAIN, Senator Cleland, Secretary O'Neill, Ambassador Wilson, General Shinseki, Richard Foster, Richard Clarke, Larry Lindsay—when will the character assassination, retribution, and intimidation end?

When will we say enough is enough?

The September 11 families—and our entire country—deserve better. Our democracy depends on it. And our Nation's future security depends on it.

The ACTING PRESIDENT pro tempore. Who yields time?

ORDER OF PROCEDURE

Mr. REID. Mr. President, the minority has 30 minutes. I ask unanimous consent that our time be equally divided, with 7½ minutes going to Senator WYDEN, 7½ minutes to Senator SCHUMER, 7½ minutes to Senator DURBIN, and 7½ minutes to Senator STABENOW, in that order.

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

Mr. REID. I thank the Chair.

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

PERFECT STORM COMING

Mr. WYDEN. Mr. President, it is time for the Bush administration to end its campaign of inaction on gasoline price hikes. Tomorrow, OPEC will vote on whether there should be additional production cuts, and this very morning, the Saudi oil minister said OPEC should go ahead with its scheduled production cut in the month of April.

If they do, that is going to take 1 million barrels of oil off the market per day, when U.S. private oil supplies are already millions of barrels low and when U.S. gasoline prices are at record highs.

Folks on the west coast of the United States are getting clobbered by these gasoline price hikes. People in California pay considerably more than \$2 a gallon. Folks in my home State of Oregon are close behind, paying an average of more than \$1.80 in some of our towns.

There is a perfect storm coming with respect to these gasoline price hikes. The combination of the Bush administration filling the Strategic Petroleum Reserve at the wrong time, the fact we have these refinery cutbacks on the west coast that seem as much to boost profit as anything else, the Federal Trade Commission turning a blind eye to anticompetitive profits, and the shenanigans of OPEC are the factors that are coming together to create what I think could be a perfect storm with gasoline prices of \$3 a gallon.

On the OPEC issue, less than a month ago the head of the Energy Information Agency told me OPEC would make up the difference for the oil the U.S. Energy Department is putting in the Strategic Petroleum Reserve. I have to tell you, Mr. President, if you think

OPEC is going to be looking out for the American gasoline consumer, you have to think Colonel Sanders is looking out for the chickens. It simply does not add up.

For the life of me, I cannot understand the administration's insistence on continuing to swipe oil out of the private U.S. market and squirrel it away in the Strategic Petroleum Reserve at a time when the American consumer is getting clobbered each week at the gasoline station. The Bush administration needs to stop filling the Strategic Petroleum Reserve. The administration is spending American tax dollars to buy oil at record high prices and put it in the reserve, and apparently they are saying they will not stop it. But, in fact, they did stop filling the reserve when it helped the oil companies. They stopped filling the reserve in December 2002 when the oil companies needed more supply for refineries.

It seems to me the message today is what the administration is willing to do for the big oil companies they ought to do for the American consumer, and particularly the ones I represent on the west coast of the United States.

There is no substitute for leadership when American families are hurting financially and getting shellacked by these gasoline price hikes. It is interesting to note that when the President was a candidate in 2000, he said the President ought to be using his bully pulpit to jawbone OPEC. This administration is not doing that.

Last week, they took credit for oil coming down about \$1 a barrel. The fact was, that was a day late and \$7 a barrel short because the price is still way above the OPEC price target level.

We come to the floor today to say when the American people are hurting, there needs to be Presidential leadership. These gas prices are hurting my constituents. They are devastating to businesses and to consumers on the west coast, and they are driving up prices for goods and transportation in this country.

We have a proposal. It is to stop filling the Strategic Petroleum Reserve, No. 1. No. 2, it is for the Federal Trade Commission to get off the dime and look at these anticompetitive practices. I have introduced legislation, S. 1737. If the Bush administration does not like that bill, I would like to hear their proposal. Let's hear what they are going to do to stand up for the west coast consumer.

It seems the administration is busy filling the Strategic Petroleum Reserve with no regard for rising gas prices. They are busy with their campaign of inaction that seems to help nobody but the oil companies and will not direct the Federal Trade Commission to take steps now to protect the consumer. I think the American people deserve better.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Under the previous agree-

ment, the Senator from New York is recognized for 7½ minutes.

Mr. SCHUMER. I thank the Chair.

RICE TESTIMONY

Mr. SCHUMER. Mr. President, honestly, I had come to the floor to submit a resolution on behalf of myself and 14 of my colleagues, including Senators KENNEDY, BYRD, LIEBERMAN, CLINTON, CORZINE, DODD, JOHNSON, HOLLINGS, REID from Nevada, LAUTENBERG, DORGAN, DURBIN, DASCHLE, and NELSON to ask the President to allow Condoleezza Rice to testify under oath and in public. I heard NBC News has announced she will do just that. So the resolution is moot. I will make a couple of points, though.

One is I suppose all of the protestation that this would violate separation of powers has gone by the wayside. We all knew that was just a smokescreen because this commission is not congressional, and the whole theory of separation of powers is congressional.

The bottom line is the real reason the administration did not want Condoleezza Rice to testify, that they did not want her out there speaking about this, is quite apparent and had nothing to do with separation of powers.

The second point I make is to compliment the Commission. The Commission has done an incredible job. I think when Tom Kean, the former Governor of New Jersey, a Republican, one known for integrity, said the only way she would testify was under oath—she has been on every talk show. She is on television 24/7. So she has plenty of time to go public and say what she wants, but not what the Commission will ask her under oath.

Her statements, her public statements contradicted some of Dick Clarke's. Dick Clarke's were given under oath. Dick Clarke's were given after considerable criticism and vituperation directed from the White House and the attack machine that we know about here in Washington, the Republican attack machine. He stood by his story. So we now all wait with bated breath to hear what Condoleezza Rice will say under oath.

Mr. President, people as diverse as Colin Powell, JOHN MCCAIN, CHUCK HAGEL—Republicans—have talked about Dick Clarke's character. I have known Dick Clarke for a long time. He is a principled man. He has been a registered Republican. Whenever he met me—and I met him under the Clinton administration—he said he was a Republican. His one passion was to make America safe.

When all the information he had and all the work he and his staff had done were ignored, he became more and more frustrated. Dick Clarke's book is not aimed at political retribution. Dick Clarke's book is aimed at the truth. Like everywhere else, the Scriptures are right: The truth will set us free.

I hope Condoleezza Rice fully testifies, testifies truthfully. The Commission's goal is not to point fingers or blame; the Commission's goal is to find out what went wrong so we don't do it again. No one feels that more keenly than the families in my State who have lost loved ones and who yearn for the truth; not so much because it will ever bring their loved ones back but because they, in a charitable, an eleemosynary gesture, want to prevent it from happening again.

This is a good step. We ought to trust this Commission. It is bipartisan. It has many people of integrity on it. Let it go forward without stonewalling. The truth, the truth will set us free.

OPEC

I would like to bring one other issue forward now that something has been announced, and that is the issue of OPEC. Tomorrow the OPEC nations meet. I have a letter that has been signed by 19 of my colleagues as well urging the President, today, to speak out strongly and publicly to get OPEC to back off their counterproductive policy to restrict the amount of oil that flows into the market and raise the prices. It is counterproductive because it is going to cause our economy to slow down and hurt everybody.

But where is the voice of our President? He went out of his way to create a \$400 tax cut, to put money into the hands of average families to stimulate the economy. I was all for that part of his tax proposal. But now that tax cut is going to OPEC. By the end of the summer, the average American family with 2 cars will pay \$400 more than they paid for gasoline because of this recent price rise in OPEC. It is taking the wind out of our economy.

OPEC is a monopoly—an oligopoly. It is killing America. We have a solution, which is the Strategic Petroleum Reserve which President Clinton did dip into after, frankly, I pressured him for 6 months. That brought oil prices down and they stayed down. Where is President Bush? What is his policy to deal with oil prices now?

He talks about the energy bill, he talks about ANWR. At best, whether you agree with it or not, that is not going to put more oil on the market for 5 years. What are we doing now, as OPEC drains dollars from the American family's pockets? There is no extra money to take the vacation, build the extra room on the house, or buy the new car. The President fiddles, frankly, while Rome burns, while oil prices go through the roof, not because of a free market but because there is a monopoly here that is manipulating price.

OPEC always said they would keep the price no greater than \$28 a barrel. It is now about \$10 more than that. Now, with the Saudi announcement this morning that they are going to constrict oil production further, it should go above \$40 a barrel. That is a very bad sign for this economy and for the American taxpayer, the American family.

The President is silent. He has to tell his Saudi friends they have to come clean. He has a weapon, an ace in the hole at his disposal, and that is the Strategic Petroleum Reserve. In this letter, 19 of us urge him to speak out today before the OPEC meeting tomorrow and shake up the Saudis and shake up OPEC and tell them that, if they don't start producing more oil, we will use our Strategic Petroleum Reserve.

The PRESIDING OFFICER. The Senator has used 7½ minutes.

Under the previous order, the Senator from Illinois is recognized for 7½ minutes.

A GREAT INJUSTICE

Mr. DURBIN. Mr. President, I, too, commend those who were encouraging Condoleezza Rice to come before the 9/11 Commission publicly under oath to tell what she knows about the events leading up to 9/11 and those that followed. The fact she would argue it violated a precedent certainly didn't stand up once we looked at what happened in the past when we had others in her same position testifying before congressional committees.

Now that she has made this decision, along with the White House, to testify, I think it is a positive and good thing. This bipartisan Commission can now ask the hard questions that need to be asked.

I really come to the floor because, frankly, I think it is time for many of us who believe that a great injustice is being committed to speak out. The injustice I speak of is the reaction of this administration to the publication of the book "Against All Enemies: Inside America's War on Terror" by Richard Clarke.

To my knowledge, I have never met Mr. Clark nor worked with him. I know nothing about him personally. But I do know for 30 years Richard Clarke has been trusted by Presidents, Republican and Democrats alike, with some of the most important responsibilities in America.

If you read his book, and I have—at least the beginning of his book—you will find in the first chapter that Richard Clarke was the person America turned to on September 11 when we faced the greatest danger and chaos of modern time. He was the one at the controls in the White House, in the situation room, trying to bring some sense to the confusion that was hitting America. He was the one who was involved in working with the Secretary of Defense, the President, the Vice President, the Secretary of State, and all of the agencies of Government, to try to make sure America was safe at one of the most dangerous moments in our history. It is hard to believe this is the same man who has been so roundly discredited now by those in the White House. Those who trusted him on 9/11, who said to him, Use your judgment, your skill, and your experience to keep America safe at our most dangerous

moment, are now saying, Richard Clarke cannot be trusted when he speaks out from the heart, from his conscience, about the failures of this administration to prepare for the war on terrorism and to wage that war since 9/11.

Some of the statements that have been made on the floor of the Senate, particularly by the majority leader last week, I couldn't believe as I read the transcript today. I will quote from those statements. In the statement the majority leader said that he is:

... equally troubled someone who would sell a book that trades on their former service as a Government insider with access to classified information, our Nation's most valuable intelligence, in order to profit from the suffering surrounding what this Nation endured on September 11, 2001.

What is missing from this statement and other references by the majority leader is the fact that before Mr. Clarke published this book, it was submitted to the White House. They saw it in advance. If there were any suspicion of the leak of classified information by any agency, there was ample opportunity for them to weigh in before the publication of the book, and they did not do it. It is a false issue to raise today, that Richard Clarke has somehow violated this Nation's trust and disclosed classified information. That is not a fact that can be proven based on the fact that the White House itself had the ability to review that book in advance and determine whether anything crossed the line. To suggest Mr. Clarke is just doing this for the money is, frankly, to discredit him and to discredit a 30-year career in service to this country.

If we look at what is happening to Richard Clarke by this attack machine out of the White House, we see it is nothing new. The same thing happened to Larry Lindsey, an economic adviser to the President who misspoke by saying the war in Iraq was going to cost far more than the Bush administration ever acknowledged. It turned out Larry Lindsey was right, but because he spoke the truth he is gone.

General Shinseki, who misspoke in the eyes of the administration by telling us about the necessary commitment in American troops in a war in Iraq, was roundly criticized. He was the target of their attack.

In addition, Treasury Secretary Paul O'Neill stepped forward with his book, after serving in this administration, talking about some personal experiences he had with this administration and was immediately ridiculed by the people around the President.

Ambassador Joseph Wilson, who has served this country, who has contributed to both Democratic and Republican candidates, had the identity of his wife, who was working for the Central Intelligence Agency, disclosed by Robert Novak, columnist, on a tip from the White House in order to discredit Ambassador Joe Wilson.

In addition, Richard Foster, an actuary for the Department of Health and

Human Services who had the nerve to step forward and say the President's prescription drug program was being sold on false premises and in fact it would cost far more than what the administration was prepared to acknowledge, when he started making that public, they came back at him and said he could lose his job if he spoke the truth.

Then, of course, the Vice President. The Vice President, who wrote an energy bill—and submitted it to Congress—by meeting with special interest groups and basically kowtowing to their interests instead of the interests of America, when put on the spot and asked who were those special interest groups, refused to make that public.

We see not only this effort to attack all critics and debase them and question their motives and their patriotism, but we also find ourselves in a position where this administration has thrown a shroud of secrecy over the most important issues that face their Government. Thank goodness a corner of that shroud has been lifted this morning. Looking under that shroud, we will find Condoleezza Rice coming before this bipartisan commission answering questions, as she should.

What is at stake here is not the reputation of the White House or anyone in the White House. What is at stake here is the security and safety of the United States of America.

Richard Clarke, whether you agree with him or not, stepped forward on a critical issue and was prepared to accept his responsibility for not doing as much as possible. But those who should be joining him in accepting responsibility have instead turned on him and attacked him personally. That is not new in Washington, but it has reached a new depth in this particular instance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 7½ minutes.

Ms. STABENOW. Thank you, Mr. President.

I first want to thank my friend from Illinois for his usual eloquence, and our leader and others who have spoken about what has been happening under an administration that chooses to fight those who state their opinions, face the facts, and give us information rather than working with us to make sure we have the best information; working with us to make sure the decisions we make are the right ones.

MEDICARE

Ms. STABENOW. Mr. President, I want to speak about Medicare today, and the fact that one of those who stood up and was prepared to give us information is the Medicare actuary Richard Foster.

We now know he was told if he gave up information about the cost of the Medicare bill that passed last year before we voted on it, he would face being fired. We have heard this repeated over and over in different ways about people who had the courage to stand up and

disagree—or in this case a career public servant who was trying to do his job.

We find now on this Medicare bill that as we look more closely, over and over we are deeply disturbed by what has unfolded relating to the Medicare bill.

As I indicated over and over on the floor before we passed the final version, this is clearly about what is in the interest of the pharmaceutical industry and the insurance industry in this country—not in the best interests of seniors, not in the best interests of consumers or taxpayers. Piece by piece, we are seeing major flaws in this law; in fact, so much so that we are seeing comments from colleagues. Our colleague from Mississippi, Senator LOTT, has indicated now if it were to be done over he would in fact change his vote. I wonder how many others would be doing the same thing given what we have found.

This law does nothing to lower prices for Medicare recipients and families, which should be one of the primary goals. That should have been at the top of the list for us to do. Despite the passage, in fact, of something that would lower prices—what we call the reimportation of prescription drugs or the ability to allow the local pharmacist, say, in Michigan or across the country to do business with pharmacists in other countries such as Canada to bring back prescription drugs at half the price; most of them are made in the United States, and American taxpayers helped subsidize the research to make them. But instead of allowing that to happen—to lower prices, in fact, up to 70 percent in some cases—we saw nothing in the final bill.

The law prohibits the Medicare program from using its purchasing power to lower prices, which is stunning. What organization doesn't want to purchase in bulk in order to lower prices? Yet the Medicare legislation that passed specifically prohibits that from happening. There is only one group that benefits from that.

The law, as we know, would also lead to about one in four retirees losing their private coverage, if they have retiree coverage, given the way it is designed. My latest concern relates to what is happening with the discount cards in the legislation.

One thing we thought at least would be helpful—not as much as allowing us to bring back lower cost prescription drugs from Canada and from other countries, but something we had hoped would help a little bit—would be the discount card that was put in place which was supposed to provide from a 10 percent up to a 25-percent discount on prescription drugs.

But just as Health and Human Services announced which companies would be providing the discount cards, we also learned the meager savings these cards might offer is being eaten up by the continued explosion in prescription price increases.

As reported in the Wall Street Journal, the prescription drug provision for

our seniors and the disabled increased nearly 3½ times faster than the overall inflation rate in 2002. Because there are no checks or controls or accountability on these prices, the discount cards are very vulnerable to gaming by the pharmaceutical industry.

What do I mean by that? For example, the wholesale price for Lipitor or Zoloft went up 19 percent in the last 2 years. The pain reliever Celebrex went up 23 percent. Their producer has said these increases are among the most moderate pricing in the industry.

We are seeing great increases so that any kind of a discount now will be based on an inflated price, not providing relief for seniors.

I am very concerned. We are hearing from Families USA, which we know is a consumer health care advocacy group. They have now laid out four concerns they have which I will share regarding discount cards.

Their first concern is they say neither the new law nor the legislation specifies the base price on which the discounts will apply. Gains in the base price are going up dramatically, and we are going to give a 10 or 15-percent discount, or even a 30-percent discount. But the price has gone up 40 percent. You are not getting much of a deal.

Second, under the Discount Card Program, sponsors are required to pass on to cardholders only an undefined share of the rebates they get from drug manufacturers, and they can keep the remaining savings as profits. They are not required to pass on the entire amount of savings from the manufacturers to our seniors.

I know our leader Senator DASCHLE has a bill that would correct that, of which I am cosponsor, and I hope very strongly we will be able to pass it.

The regulations foster, in fact, also what is called bait-and-switch schemes so that people go into a particular card, and then things are switched. What is amazing is while the senior is locked into a specific card for 7 days, the size of a discount can change. Seniors are locked in but the provider is not.

Finally, there is a \$600 credit, which is positive for low-income seniors, that is applied to these cards. However, with the low-income asset tax and new, very cumbersome paperwork involved, we are not sure how many low-income seniors will actually receive the discount.

We can do better than that. If we were simply to do what the House of Representatives did in a strong bipartisan vote a number of months ago, we would be able to immediately drop prices at least in half with reimportation.

I urge my colleagues to get serious and pass that bill.

Thank you, Mr. President.

Mr. REID. Mr. President, have we used all of our time?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds.

Mr. REID. Mr. President, I reserve that. But I note when we get to the bill

that a number of Members on this side indicate they would object to extending the vote past 12:45. Everyone should understand that. The managers of the bill—and I have spoken to our manager, Senator BAUCUS—understand that. If anyone tries to extend the time past 12:15, there will be an objection. We will vote at 12:15.

The PRESIDING OFFICER (Mr. BENNETT). Is there any objection to reserving of the minority's time? Hearing none, the time is reserved.

The Senator from Wyoming.

WELFARE REFORM

Mr. THOMAS. Mr. President, I rise today to talk about the issue before the Senate. The previous comments this morning sounded like a political rally. We ought to talk about the issues before the Senate instead of spending all our time criticizing the President.

We have before the Senate welfare reform, to extend what we have done in the past. Welfare reform has been a remarkable success story for millions of people. Welfare reform is working because former recipients are working. Families once dependent on welfare checks are now looking forward to the independence of a paycheck. That, of course, has been the purpose of the program. Through the years it has been very successful.

This bill deals with the effort to provide meaningful work and more opportunity for welfare recipients to move off welfare, to promote healthy families, to provide opportunity for health and marriage programs, to give States the flexibility to continue to work on the programs they have had.

We are very pleased this is now before the Senate. As a Finance Committee member who has worked on this for a very long time, it is something that we need to pass and make available to people in this country.

The legislation before the Senate, H.R. 4, the Personal Responsibility and Individual Development for Everyone Act, makes the necessary changes in existing law to make it even more of a success. America began a war on poverty more than three decades ago. However, the good intentions of that policy produced conflicting results. Seniors were lifted out of poverty, poor families received basic health care, and disadvantaged children were given a head start in life.

Many Americans were injured by that helping hand. The welfare system actually became an enemy of individual efforts and responsibility. As dependence passed from one generation to the next, the vicious welfare cycle began for some families.

Between 1965 and 1995, Federal and State welfare spending increased from \$40 billion to more than \$350 billion per year. However, all this money produced virtually no progress in reducing child poverty.

In August 1996, Congress passed a progressive welfare reform law that

transferred welfare benefits into temporary help, not into a permanent way of life. The new system honors work by requiring all able-bodied recipients to work or go back to school to further their education.

The goal of the 1996 welfare reform law was to give participants a strong, time-limited support system as they developed long-life skills that encourage independence.

That is the purpose of this entire program. It has been successful. It provides childcare funding to help families meet the work requirements while limiting the benefits to 5 years. States must promote self-sufficiency. They are given the flexibility to reach that goal.

The following results of the 1996 landmark welfare reform bill speak for themselves. From August 1996 to June 2003, the number of families on welfare fell from 4.4 million to 2 million, a 54-percent decline. In the same time period, the number of individuals fell from 12.2 million to less than 5 million, a decline of 60 percent. From 1996 to 2002, child poverty went from 20.5 percent to 16.7 percent. This represents a reduction of over 2.3 million poor children.

Child poverty rates among African Americans and Hispanics were at or near record low levels. The percentage of never married working mothers increased from 49.3 in 1996 to 65 percent in 2002. Childcare funding has continued at record levels. Let me say that again: Childcare funding has continued at record levels. We are going to be faced with a resolution shortly to increase that. The fact is, we have had ample dollars in the past. We have fewer people now and all different kinds of programs going into that. I hope we do not add \$6 billion to the cost of the program.

State and Federal funding for childcare from the childcare development block grant, TANF, and social services block grant increased from \$3.2 billion in 1996 to \$11.8 billion in 2003. In 2003, an estimated 2.5 million children will receive subsidized childcare from these funding sources. From 1996 to 2003, child support collections increased from \$12 billion to \$21 billion. This demonstrates a pattern of success, moving people in the direction this was designed to move them.

Wyoming, my home State, has had particularly good luck. In the wake of these changes, welfare reform has been phenomenal. In fact, the number of individuals receiving assistance has dropped approximately 90 percent since 1994. This was accomplished with total weekly hour requirements of work of 40 hours, which is above and beyond the current law. That is what is in the reauthorization bill before the Senate.

Last year, Wyoming received a \$19.9 million bonus for reducing the out-of-wedlock birth rate.

Wyoming also has over \$30 million in reserve funds they are able to use when this bill is passed. This increased flexi-

bility will not only help my State keep folks off the welfare rolls, but provide assistance to childcare and other expenses while continuing on their path of self-sufficiency.

I am very proud of my State's success. Our experience proves welfare reform is a strong and comprehensive policy to uplift and empower people to be able to earn for themselves. I am encouraged by the initial results of welfare reform, but there is still a lot of work to do.

I support the chairman's bill because it does the following: It increases work hours to 34. This is better to prepare recipients for full-time employment. I would like to see that number of work hours be increased to 40. Wyoming has made that work well.

This creates a partial credit system for States doing everything they can to make this even better. We have increased childcare spending by \$1 billion over 5 years. It allows the States to use Federal money no longer used on cash assistance. Increased flexibility allows for more activities.

I hope we move this out of committee. We have been deferring it by extending the old bill. We need to put the new bill into place. We need to stop the uncertainty for the States as to what we are doing.

I thank Chairman GRASSLEY for his leadership. I hope we can move this week to conference and keep our commitments to equip TANF recipients with the skills they need to take care of themselves and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. ENSIGN. Mr. President, I will talk a little about jobs this morning.

How much time remains on the Republican side?

The PRESIDING OFFICER. The majority has 21 minutes 40 seconds.

Mr. ENSIGN. Mr. President, is there a unanimous consent on how the time is divided on our side?

The PRESIDING OFFICER. There is not.

Mr. ENSIGN. I ask unanimous consent I have 10 minutes of the remaining 21 minutes.

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

Mr. BOND. Mr. President, might I ask for 10 minutes after the Senator completes his remarks?

The PRESIDING OFFICER. Does the Senator propound a unanimous consent?

Mr. BOND. I propound a unanimous consent request I be recognized for 10 minutes following Senator ENSIGN.

Mr. BAUCUS. Reserving the right to object, might I ask the Chair when we are scheduled to go back on the bill?

The PRESIDING OFFICER. The majority has 21 minutes remaining, and the minority has reserved 1 minute 10 seconds. When that time has expired, we will return to the bill.

Without objection, the request of the Senator from Missouri is agreed to.
The Senator from Nevada.

JOBS

Mr. ENSIGN. Mr. President, I rise to talk about jobs in the United States and something that is happening to our country. We have very complex international tax laws. To go into them, people's eyes would glaze over in complete boredom. Suffice it to say, because of the complexities, we have tried over the years to get U.S. companies on a more level playing field.

In the past year, the international bodies that have jurisdiction have ruled against the United States versus the European Union regarding the way we treat U.S. companies doing business outside of the United States. Therefore, because we have not fixed our laws, they have decided to put a 5-percent tariff on many of our manufactured goods. Starting this month and for every month thereafter, that 5-percent tariff will be raised by 1 percent. As a matter of fact, by this time next year it will be up to 17 percent, which puts American manufacturers at a tremendous global disadvantage when compared to the European Union.

If Members care about manufacturing jobs in this country, it is important this body bring back the JOBS bill that we had before us in the Senate last week that was filibustered and get it passed.

The other side keeps talking about, manufacturing jobs and exporting jobs and outsourcing. If people really care about manufacturing jobs in this country, we will bring the JOBS bill back up to the floor and get it voted on and get it worked out between the House and the Senate and get it down to the President so he can sign it into law so we can start giving more help and more relief to manufacturing jobs in this country.

Let me read a quote from the Washington Post of last week, quoting a Democrat tax aide saying:

There's not a lot of incentive for us to figure out this [FSC-ETI] problem.

That is the problem I just talked about with the international tax laws with our country and the tariffs.

The Democrat aide went on to say that "allowing the ETI problem to fester would yield increased sanctions that could benefit the Democrats in November."

Well, if this is true, this is an appalling statement. This debate should be about policy, not petty politics.

So let's look at what is inside of this JOBS bill.

Not only would it end the \$4 billion a year of tariffs against U.S. exports—and, by the way, those exports include grain, timber, paper, and manufactured goods. I realize, for some, this may be too politically tempting to let pass by—but this bill, by ending those tariffs, would put us on a more level playing field with European Union companies.

The CBO says we have lost 3 million manufacturing jobs in the United States since the year 2000. We have been losing gradually, since the late 1970s, manufacturing jobs in the United States. That is part of the entire global economy, but it is important that we at least allow U.S. jobs to be on a level playing field.

The JOBS bill to which I referred, that was being filibustered, provides \$75 billion of tax relief to our manufacturing sector to promote rehiring in U.S.-based manufacturing firms.

This JOBS bill gives a 3-percentage-point tax rate cut on all income derived from manufacturing in the United States—it is not for manufacturing offshore—and we start those cuts in this year. This manufacturing rate cut applies to sole proprietors, partnerships, farmers, individuals, family businesses, multinational corporations, and even foreign companies that decide to set up operations within the United States and provide jobs in the United States.

The bill also extends the R&D tax credit through the end of the year 2005. Now, the R&D tax credit is absolutely a jobs producer in the United States. It is for doing research and development, which betters our companies, which betters our economies, and creates high-paying jobs in the United States.

The bill also extends, for 2 years, the tax provisions that expired in 2003 and in 2004, such as the work opportunity tax credit and the welfare-to-work tax credits—obviously, important pieces of legislation.

The bill also provides incentives for newly constructed rural investment buildings, for starting or expanding a rural business in rural high-outmigration counties.

The JOBS bill includes brownfields revitalization. Those are inner-city areas. Because of environmental concerns, frankly, many inner cities have dying areas because companies cannot go in. Because of the environmental liability of what somebody dumped there before, they cannot go in and create jobs in the inner cities. That is why it is important we get this part of the bill done.

I also want to now talk about what I think is probably the most important part of the tax bill, and it is called the Invest in the USA Act, a bill that I have sponsored with Senator BARBARA BOXER of California.

This bill would allow U.S. companies that have invested abroad—they have a little over \$600 billion invested that they have made money on and they have sitting in their bank accounts overseas. If they bring that money back to the United States, they will pay up to a 35-percent tax on it. There is not a lot of incentive for them to bring the money back. Other countries do not treat their companies that way, so they are able to actually bring the money back to their countries to create jobs in their countries.

This past weekend, Senator KERRY talked about that issue. He now sup-

ports the idea of giving a tax break for the money coming back into this country. Last year, we had a vote on our bill, and all 50 Republican Senators and 25 Democratic Senators agreed it was time to bring this money home at a very low tax rate—a 5.25-percent tax rate.

Senator KERRY has now embraced the idea of bringing it home, but he wants it taxed at 10 percent. The problem with taxing it at 10 percent is, because of the low cost of borrowing money today, it would actually be cheaper for the companies to borrow money in the United States than to pay the 10-percent tax and bring these funds home. So Senator KERRY recognizes it is a good thing to bring the money home. Unfortunately, the fix that he has will not bring the money home.

The bill that Senator BOXER and I have proposed, that received 75 votes on the Senate floor, and now is part of the big JOBS tax bill, does bring the money home. Estimates are that it will bring at least \$400 billion to the United States. That is a lot of money. As a matter of fact, that is more money than was raised in all of the initial public stock offerings from 1996 to 2002. That is a huge stimulus to our economy. That will produce a lot of good-paying U.S. jobs that we so desperately need right now.

The economy is growing. GDP is up. There are increases in productivity. We are obviously doing well with home sales. Where we are not doing as well as we would like is in the area of new job creation. There are a lot of new self-employed jobs that are being created, but on the payroll survey many of those jobs are not being reported.

This bill—for those who want to increase and extend the temporary unemployment insurance benefits, for those who want to do all kinds of Government programs—will make those types of provisions unnecessary.

So if the Democrats in the Senate want to do something about jobs for this country, they will quit trying to put all kinds of extraneous provisions onto the bill, and we will get a jobs bill done this year.

Mr. President, I yield the floor.

Mr. KENNEDY. Will the Senator yield?

Mr. ENSIGN. My time has expired.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair, and I thank my colleague. I thank my colleague from Nevada, particularly, for talking about the importance of the FSC/ETI bill because today jobs are a critical need in our country.

Yes, we see signs that the economy is recovering, but we are not seeing the growth in jobs. Now the unemployment rate is down to 5.6 percent. Obviously, we all would like to see it lower. There are a number of steps that we can take, and I think passing a good highway bill is one such step.

There are a number of steps that would be very harmful if we took them. I think, as we talk about jobs and the very volatile subject of insourcing and outsourcing, we need to understand what this is all about.

I was interested this weekend when I read an old story that apparently had been in the papers in Missouri for some time, but it was rerun in my hometown paper. When Missourians call a toll-free number about their food stamps or welfare benefits, the response comes from India. The State of Missouri has contracted with a call center operator. It is about a \$6 million annual contract, which I guess was the best contract at the time that Missouri could get. They signed the contract, and now those jobs have been outsourced to India.

This is something we hear a lot about. People are complaining about outsourcing. A very interesting figure was in the Wall Street Journal maybe 10 days or so ago which talked about both sides: jobs going overseas and jobs coming back. And they came up with the startling figure that—I think it was for 2003—there was \$74 billion worth of outsourcing.

The United States spent \$74 billion outsourcing to other countries, but at the same time insourcing came to \$131 billion, so that is a \$54 billion net increase in investment in jobs in this country.

We have done a little work and found out there are about 105,000 Missourians who have jobs with foreign companies in the State. I met with the officials from the fine Webster University in St. Louis. They have done some outsourcing. They have three campuses in China that provide long-distance learning to people throughout Southeast Asia. I can't tell you how many people, as I have made trips overseas to promote export of Missouri products and services, have told me they are getting their degree from Webster University.

The question of outsourcing and insourcing has two sides. It is absolutely important to not do any harm to jobs that are coming into this country. But most importantly, we must make sure we don't do anything in Government that forces jobs out of this country. The FSC/ETI bill is vitally needed. We need to pass it. We need to get conferees appointed on the Workforce Investment Act. We need to train people so they will have the jobs.

I also focused this week on a battle we had on the energy bill. CARL LEVIN and I were successful in getting bipartisan support for the Bond-Levin amendment which imposed reasonable standards for increasing fuel economy in autos, vans, and light trucks. We were fighting against something that, as you look at it, would possibly have led to a significant decline in U.S. jobs. The Kerry-McCain amendment would have significantly increased CAFE standards, and this could have penalized full-line manufacturers. Those

manufacturers—Ford, Daimler-Chrysler, General Motors—have plants in Claycomo, Hazelwood, Fenton, Wentzville, MO, where working families have good jobs in the auto industry that were put at risk.

I was very interested to go back to my files and find some letters from the UAW. In one, dated February 26, 2002, President Steve Yokich wrote urging support for the Bond-Levin proposal, saying the Hollings-Kerry proposal discriminates against the big three auto companies. On the second page, it says:

The UAW continues to support improvements in CAFE that are economically and technologically feasible, and are structured in a manner that is fair and even-handed towards all companies. But we strongly oppose changes such as the Hollings-Kerry proposal that call for increases that are excessive and are structured in a manner that would discriminate against the Big Three automakers or facilitate the outsourcing of small car production to other countries. Such proposals would result in serious job losses for thousands of UAW members and other automotive workers.

We have to be careful as we look at regulatory efforts that might drive jobs out of the country.

Alan Reuther wrote on March 13, 2002, saying the Kerry-McCain amendment would mandate an excessive discriminatory increase in fuel standards that would directly threaten thousands of jobs for UAW members and other automotive workers in the country and would enable the big three auto companies to outsource their small car production to other countries, resulting in the loss of additional jobs.

I ask unanimous consent that these letters be printed in the RECORD.

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

UAW,

Washington, DC, February 26, 2002.

DEAR SENATORS: This week the Senate is expected to take up energy legislation covering a wide range of issues. The UAW strongly opposes the proposed changes in the Corporate Average Fuel Economy (CAFE) program which have been put forth by Senators Hollings and Kerry. We urge you to oppose this proposal, and to support the substitute CAFE proposal that will be offered by Senators Levin and Bond.

The Hollings-Kerry CAFE proposal would raise fuel economy standards for both cars and light trucks to 35 miles per gallon by model year 2013. The UAW opposes Hollings-Kerry CAFE proposal for three reasons:

(1) The Hollings-Kerry proposal increases CAFE standards much too high and too quickly. The magnitude of the proposed increase exceeds even the most optimistic scenarios projected by the National Academy of Sciences (NAS), and the proposed timeframe for vehicles to meet that increase is substantially less than the NAS projection. Under the Hollings-Kerry proposal, light truck fuel economy would have to jump almost 70 percent to meet a 35 mpg standard—one-and-a-half times higher than even the most "optimistic" NAS projections. Significantly, the cautious NAS projections only indicate an average fuel economy increase of about 25 percent for light trucks and 10 percent for cars by model years 2014 to 2019, far below and later than what would be required under the excessive Hollings-Kerry proposal. In ad-

dition, the increase proposed by Hollings-Kerry would be made even more extreme by their other proposals that would tighten testing requirements and change the definition of light trucks to include vehicles up to 10,000 lbs.

(2) The Hollings-Kerry proposal discriminates against the Big Three auto companies. The Hollings-Kerry proposal applies a flat miles per gallon increase to current CAFE standards and also requires the standard for light trucks to be harmonized upward to the substantially higher level established for passenger cars. This approach would impose a much heavier burden on the Big Three auto companies compared to other automakers because the Big Three's product mix is much more oriented towards larger cars and light trucks. Under the Hollings-Kerry proposal, the Big Three would have to increase their fuel economy by 40-50 percent compared to less than a 15 percent increase for Honda. The net result is the Big Three could be forced to curtail production of larger vehicles, resulting in serious job loss for UAW members and other workers.

(3) The Hollings-Kerry proposal would undermine continued full-line domestic vehicle production by making it easier to outsource small car production to other countries. The Hollings-Kerry proposal gives the National Highway Traffic Safety Administration (NHTSA) discretion to eliminate the distinction in the current CAFE program between domestic and foreign car fleets. If this distinction were eliminated, the Big Three auto companies would be able to outsource their small car production to other countries. This is because they would no longer be required to average the fuel economy of more efficient, domestically built small cars with less efficient larger cars produced here. In addition, by establishing a CAFE credit-trading program, the Hollings-Kerry proposal would also give the Big Three automakers the "flexibility" to outsource their small car production to other countries. Taken together, these provisions could result in the loss of thousands of additional automotive jobs in this country.

The UAW continues to support improvements in CAFE that are economically and technologically feasible, and are structured in a manner that is fair and even-handed towards all companies. But we strongly oppose changes such as the Hollings-Kerry proposal that call for increases that are excessive and are structured in a manner that would discriminate against the Big Three automakers or facilitate the outsourcing of small car production to other countries. Such proposals would result in serious job loss for thousands of UAW members and other automotive workers.

We understand that Senators Levin and Bond will offer a substitute CAFE proposal that would require the Department of Transportation to complete a rulemaking within 15 months to increase fuel economy standards for both cars and light trucks. This substitute directs DOT to consider a wide range of factors, including technological and economic feasibility, the costs and lead time required for the introduction of new technologies, the disparate impacts on manufacturers due to differences in product mix, and safety considerations. In addition, this substitute would require DOT to continue the existing distinction between foreign and domestic fleets. The UAW believes the Levin-Bond proposal represents a more balanced approach that would lead to significant improvements in fuel economy without jeopardizing thousands of good paying automotive jobs in this country. Accordingly, we strongly urge you to vote for the Levin-Bond substitute and against the Hollings-Kerry proposal.

The auto industry is already experiencing significant economic difficulties, and the Big Three automakers have announced widespread layoffs. In light of this background, the UAW submits that this is not the time to impose onerous, discriminatory fuel economy standards on the auto companies that will only lead to further jobs loss, with potentially adverse impacts on the overall economy.

Thank you for considering our views on this priority issue that directly affects the jobs of thousands of UAW members and other workers.

Sincerely,

ALAN REUTHER,
Legislative Director.

UAW,
WASHINGTON, DC,
March 13, 2002.

DEAR SENATOR BOND: Today the Senate is scheduled to vote on amendments dealing with the CAFE issue. The UAW strongly urges you to vote for the Levin-Bond substitute and against the Kerry-McCain amendment.

The Levin-Bond substitute would require the Dept. of Transportation to issue new fuel economy standards on an expedited basis, after taking into consideration a wide range of factors, including employment, safety, technology, economic practicability and the relative competitive impacts on companies. The UAW supports this substitute because we believe it will lead to a significant improvement in fuel economy, without jeopardizing the jobs of American workers.

In contrast, the Kerry-McCain amendment would mandate an excessive, discriminatory increase in fuel economy standard that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. The 36 mpg fuel economy standard that would be required by Kerry-McCain for both cars and trucks goes far beyond even the most optimistic projections by the National Academy of Sciences. In addition, the structure of the proposed fuel economy increases—a flat mpg requirement for both cars and trucks—would impose a much heavier burden on the Big Three automakers and jeopardize production and jobs associated with their large car and truck plants. Furthermore, by eliminating the distinction between foreign and domestic car fleets, the proposal would enable the Big Three auto companies to outsource their small car production to other countries, resulting in the loss of additional jobs.

The UAW believes it is critically important that any increases in fuel economy standards be economically and technologically feasible, and that they be structured in a manner that does not jeopardize jobs in this country. To accomplish this objective, we believe the Senate must approve the Levin-Bond substitute, and reject the Kerry-McCain amendment.

Thank you for considering our views on these two priority votes.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. BOND. The last time I spoke on this, I pointed out there were a number of other things we have done that really do endanger jobs. I mentioned the small engine proposal where, fortunately, we were able to stop the California Air Resources Board from mandating the use of catalytic converters on small engines for lawn mowers, leaf blowers, and chainsaws that would have forced the closure of plants in the United States that make those small

engines and in all likelihood outsourced 22,000 American jobs to China.

I also talked about asbestos litigation which has driven much of the refractories business out of the United States because of the excessive burden of the asbestos claims. We need to move on a good asbestos reform bill to pay those who are truly sick and stop the jackpot justice for plaintiffs' attorneys who seek to sue anybody who has had anything to do with asbestos, whether plaintiffs are sick or not.

Finally, natural gas is a major source of outsourcing right now. Not only does it hit homes that heat with natural gas with high bills; it puts heavy costs on farmers who use fertilizer coming from natural gas. The artificially inflated demand Congress has mandated and the artificially constrained supply Congress has mandated have pushed the cost of natural gas so high that many natural gas producing industries have had to move their operations to other countries where the demand is not artificially inflated and the supply is not curtailed.

We are outsourcing jobs because of our policy on natural gas. We have forced natural gas use in electric generating boilers which is not an effective use of that valuable commodity. We need a good energy bill. We need to stop the filibusters and get an energy bill done. We need to move forward on the asbestos litigation reform bill. We need to move forward on the FSC/ETI bill. All of these are being filibustered or stopped or delayed, and we need to get about it.

We need to get the Workforce Investment Act. We need to appoint conferees so we can train these people. One of the great needs is for more workers with scientific engineering and technological backgrounds because those are the jobs of the future. We need to train them. Senator MIKULSKI and I need money in the VA-HUD bill to increase the National Science Foundation so they can develop more student interest in basic science and get more minorities and women involved. We have a lot of challenges to meet the changing needs of the job force in the 21st century. Rather than bloviating about one part of the problem, we need to fix the entire problem.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania is recognized for 20 seconds.

WELFARE REFORM

Mr. SANTORUM. Mr. President, I can't imagine what I am going to do with all that time. I thought there might be a few more minutes.

I look forward to this welfare reform debate. I hope we can have a good and enlightened debate on an issue that is vitally important for millions of Americans and that we keep to the subject of welfare, try to pass this bill, get it to conference and get a bill done this

year to help millions more leave poverty and get gainful employment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield our remaining time for morning business to the Senator from Vermont, and I will yield additional time to him once we are on the bill.

The PRESIDING OFFICER. The Senator from Vermont.

CHILD CARE AMENDMENT

Mr. JEFFORDS. Mr. President, I rise today to discuss the Snowe-Dodd amendment to add \$6 billion more in child care funding to the welfare bill that is before the Senate.

There is no issue more important than child care assistance in the context of this reauthorization. I commend Senators SNOWE and DODD for their leadership on this issue.

Child care assistance is critical for a number of reasons.

First, there is a strong connection between access to child care and the ability of parents to join and stay in the workforce.

Second, quality child care is critical to building the foundations for school readiness and later academic success.

Third, states are facing tough economic times and they are cutting back on support for child care. Our children need additional help from the Federal Government.

Child care is the No. 1 issue facing families today. Seventy-five percent of American children under the age of five spend at least part of their day in child care.

In Vermont, over 80 percent of women with children under the age of six are in the workforce.

Without access to child care, these families are often forced to leave their employment and seek public assistance.

We must support additional child care funding in order to support low-income parents and help them remain in the workforce.

Quality child care helps lay the groundwork for school readiness and success later in life. We know that the most crucial time for a child's brain development is from birth to 5 years old.

Elementary and secondary education are extremely important.

But without a positive, high-quality experience in the earliest stages of development, too many children are set up for failure in elementary, middle and high school.

By adopting the Snowe-Dodd amendment, we will give more parents the power to choose high-quality child care for their children and give those children the opportunity to get the most out of their early years.

If we are truly serious about closing the achievement gap among our students, and between the United States and our international competitors, then funding for high-quality early childhood care is the place to begin.

The States are facing tough financial situations. The General Accounting Office found that since January 2001, twenty-three States have made changes that would decrease the availability of child care assistance; while only nine States made changes that could increase child care availability.

I want to underscore this point.

According to the GAO, nearly half of the States are decreasing the availability of child care for working families. And this report may just be the tip of the iceberg. Federal funding is critical to reverse this trend.

My colleagues must understand the importance of this issue. By adopting this amendment, we can help families move off of welfare permanently. Or we can prevent them from needing welfare assistance in the first place.

I see this amendment not as a choice, but as a necessity. I urge my colleagues to support the Snowe-Dodd amendment, to support our working families and to support our youngest children.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time under morning business has expired. Morning business is closed.

PERSONAL RESPONSIBILITY AND INDIVIDUAL DEVELOPMENT FOR EVERYONE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

Pending:

Grassley (for Snowe) amendment No. 2937, to provide additional funding for child care.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the time until 12:15 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in support of H.R. 4, the Personal Responsibility and Individual Development for Everyone Act, called the PRIDE Act.

Throughout our Nation's history, we have seen wonderful examples of individuals, with a little drive and ambition, seizing one of the abundant opportunities this great Nation has to offer, and move, literally, from nothing in their pockets to a lifetime of incredible success.

That being said, up until 1996, this notion of America being "the land of opportunity" was nearly unknown to millions of welfare recipients who were

bogged down by the stifling, cash assistance welfare system our Nation had embraced for over 100 years.

With the enactment of the Temporary Assistance for Needy Families legislation—we call it TANF—in 1996, that all changed. We offered individuals who had previously been shut out of the American dream the opportunity to eliminate poverty and move their families toward the empowering goal of self-sufficiency.

Welfare reform has been one of the most successful social policy reforms in U.S. history. We have seen millions of people focus their energies and efforts on their responsibilities and acquiring an attitude of providing for themselves. They have learned it by daily practice.

Nearly 3 million families have been lifted out of poverty. Employment by mothers most at risk to go on welfare has risen by 40 percent since 1995. Each of us in this body is encouraged to see the profound, positive effects TANF has had on the lives of those who require temporary assistance.

Caseloads are down 58 percent, and assistance recipients are working more than ever before. Thus, these hard-working people are leading themselves back to self-sufficiency.

As the Department of Health and Human Services has reported, welfare caseload reductions are primarily a result of implementing the welfare reforms contained in the original TANF legislation—and not merely due to the robust economy of the late 1990s.

I think we also need to recognize that the States themselves have held the key to the success of these programs by taking advantage of the flexibility built into the original TANF legislation.

Many States throughout the Nation have offered welfare plans and created specific, effective programs that are working well with their constituencies. The States' work has been well documented, as many States have reported caseload declines of over 70 percent since 1996.

TANF funds transferred by the States and used for childcare funding have also been an enormously positive development, and States are matching Federal spending in the area of childcare.

This is creating a good foundation where working parents can go back to work knowing that their children are being well cared for. I need only look to my home State of Utah to see the successes of the 1996 TANF law.

Since August of 1996, TANF rolls have decreased over 45 percent, while the quality and professional attention given to recipients has been steadily going up.

Utah has been a pioneer State in the development of personal, value-added attention and planning for those who are receiving assistance. Universal engagement of every assistance recipient is a necessity, and I applaud my home State of Utah for leading the way in

this area. I also thank Chairman GRASSLEY for putting the provision in the bill.

My home State has also pioneered work in the promotion of marriage and family formation. Under then-Governor Michael Leavitt, Utah was the first State in the Nation to form a commission on marriage, which was charged with the overreaching goal of strengthening marriages in Utah. I am pleased to see this bill includes \$200 million in matching grants for States to provide marriage promotion and responsible fatherhood programs.

The marriage unit is the most fundamental in society. If the bond of marriage weakens, so does our society, including the rising generation. It is widely recognized that a healthy, loving marriage between a man and a woman not only provides great personal happiness, it also creates the safest place for children to thrive and benefit from the full emotional, moral, and educational benefits that two married parents can provide.

I also commend President Bush for his commitment and efforts to strengthen healthy marriages.

Let me turn to another important component of the bill, the family self-sufficiency plan. Under current law, States are under no obligation to understand and assess the circumstances of each recipient receiving assistance. However, under the universal engagement provisions of this bill, it will be incumbent upon each State to meet with each recipient and create a plan, using all the support tools available to the State, to help the recipient achieve self-sufficiency.

This is a very important measure because it seeks to give each and every recipient a roadmap toward independence and success—a light at the end of the tunnel. It also signals to States that all TANF families deserve a chance to become self-sufficient and no one can be left to fall through the cracks in the system.

In Utah, I have seen that many of these parents, hard-working people, young and old, end up finding great self satisfaction in giving their gift of skill at work, at giving themselves to a task at hand so thoroughly that they have a meaningful relationship with their work. I think we will all agree that sometimes it is not easy to dive into your work with enthusiasm, but sometimes it is necessary and appropriate.

That is why it is so important that the work requirements are increased in this bill. The core work requirement is increased from 20 hours per week to 24 hours per week. Total hours required for a State to receive full credit increases from 30 hours per week to 34 hours per week for single-parent families. These are sensible, reasonable requirements.

Two-parent families will be required to work 39 hours per week, or 55 hours per week if they receive subsidized childcare. States will receive partial credit if individuals work 20 hours per

week, and extra credit if they work more than 34 hours per week. Current law provides full credit only at 30 hours.

Again, these changes in the current law will help us make real progress.

It seems obvious that the more a person sets goals and takes responsibility for the career they want, the more they will be able to decide if a particular job fits into the scheme of their life. The harder they work—that is, the more hours they work—the more they understand why they are working at a particular job and how their hard work will benefit their individual families.

I believe the most important new provision in this bill is the establishment of a meaningful State participation rate. For years now, States have had no reason to actively recruit adults into industrious work and work-related activities. Under this bill, States would be required to have 70 percent of their caseload involved in approved work activities by the year 2008. This would require States to significantly ramp up their efforts to engage a much greater number of families in activities that count toward the work participation rate.

Right now, the majority of adults receiving assistance are reporting zero hours of activity. It is time we recognize that with an effective participation rate, and by the elimination of the caseload reduction credit in the 1996 welfare law, we will encourage people to commit to careers, to goals, to real recovery.

Another striking result I would like to note has been the effect of welfare reform on African-American children. For the 25 years before welfare reform, before the TANF bill in 1996, the percentage of African-American children living in poverty remained virtually unchanged. But since welfare reform, the poverty rate among those children has dropped from 41.5 percent in 1995 to 32.1 percent in 2002—still way too high, but it has been a definite, dramatic drop, and TANF deserves most of the credit for that situation. About 1 million African-American children—roughly the entire population of Dallas, Detroit, or San Diego—are no longer in poverty because of welfare reform.

There is still much to be done. Currently, 58 percent of those on welfare are not working or training to work, and 2 million families remain completely dependent on welfare for their survival. The full potential of this legislation has not been realized because of lax enforcement and efforts to undermine the principles and goals of reform. Let's look at this.

Among poor families with children, one-quarter to one-third do not work at all. The rest work sometimes, but not full time or year-round.

Only a fourth of poor families have full-time employment, and by that I mean 40 hours a week throughout the year. Because of this low rate, many remain poor.

Overall, among all poor families with children, most adults work only 16 hours a week whether the economy is good or bad. If all poor families with children had just one full-time adult employed year-round 40 hours a week, America's child poverty rate would drop dramatically. Many poor families would immediately be lifted out of poverty.

Last September, with my support, the Finance Committee reported this bill to reauthorize TANF and other programs for the next 5 years and to strengthen welfare reform further. This would greatly increase work requirements for working families so that 70 percent are participating in work or job preparation activities by fiscal year 2008.

All recipients should work full time either in a job or in programs designed to help them achieve independence. A 4-week cushion is included for vacation and sick leave, simulating a typical work schedule in the United States. And the plan makes special accommodations for parents with infants and individuals who need substance abuse treatment, rehabilitation, or special training.

One area of concern for me, and the citizens of Utah, is the difficulty many recipients will have in meeting the work requirement when they are unable to defeat an addictive drug habit or suffer from a devastating disability. I suspect many of those individuals who remain on welfare are those with drug dependencies or other ailments that are difficult to treat.

Under the current bill, only 3 months of rehabilitation services may be counted as an acceptable activity. In the Finance Committee, I offered an amendment that was adopted that extends this credit an additional 3 months as long as the State deems it necessary and the recipient is engaged in increasing amounts of work or job-readiness activity. I hope my colleagues agree with me that this is the right way to help these individuals get free of dependency and find meaningful employment.

Another amendment of mine that was included in the committee bill established a pre-sanction review. Families in Utah who are in need of services, such as substance abuse treatment, must receive the assistance they need to overcome barriers to employment. This is why I believe States must conduct a pre-sanction review before taking action against parents who are considered noncompliant. It does not seem fair that a parent is subjected to sanctions and case closures because of their State's limited substance abuse treatment capacity. If substance abuse treatment services are not available to the parent, States should refrain from sanctions or case closures.

The review established by my amendment requires States to review a recipient's self-sufficiency plan and consult with the recipient before enforcing any sanctions or taking away the re-

ipient's cash assistance or welfare services. This provision is necessary to give recipients with significant barriers to work, such as a disability or a drug dependency, a real chance to meet the State's requirements prior to having their assistance taken away.

Another important area I would like to discuss is childcare. We all now agree that childcare is an essential part of encouraging people to work. I am pleased to see that this bill includes an additional \$1 billion in funding for childcare. Even so, I think we need to go a step further. And I compliment, in particular, the distinguished Senator from Maine, Ms. SNOWE, and the distinguished Senator from Connecticut, Mr. DODD, with whom years ago I worked to pass the first childcare bill in history. He has kept at it and kept on it, and I personally respect and appreciate it. Of course, I am a cosponsor of this amendment as well. There are countless examples of how our country benefits from programs that allow hard-working parents to stay employed, and we need to support the efforts of working families by finding ways to help with childcare assistance. Parents need to know they have access to quality childcare.

I would like to make it clear that with the current budget situation, I am not advocating for large increases in Federal discretionary spending. I am very concerned about the fact that the Federal Government is running a deficit and that our Federal debt is accumulating. High deficits and a mountain of Federal debt represent real obligations that hurt our economic security, both now and in the future, and hurt every person we are trying to help here.

That being said, I recognize the very real and pressing need for improved childcare services. The 1990 childcare law Senator DODD and I helped get passed was one of our most important initiatives, and certainly I think each of us claims and feels it was each of our important initiatives. I was pleased to join Senator DODD in that effort.

It is clear to me after much study that the funding contained in the finance bill is simply not adequate. I am supportive of increasing that funding even more, provided they are accompanied by responsible offsets to hold down the costs and, in this case, this amendment will.

We should recognize that many assistance recipients across our country will struggle to meet the requirement for increased work hours if they are not able to find and use quality childcare services. While we are trying to get people to work, we ought to try to help their children in the process. Funding for childcare should go hand in hand with an increase in the work requirement. I and others—Senator SNOWE in particular—have fought very hard for that in the Finance Committee. We cannot expect these mothers and fathers to feel comfortable

leaving children alone or in the care of someone who is not competent in order to meet a higher work requirement standard.

A question we often ask ourselves is, "Is this a perfect bill?" I would have to say my answer to that question would be "no." But I am sure there are many on both sides who would like to change it one way or the other. Most people have to admit this represents a compromise of many competing interests. If I had written the bill, I surely would have done some things differently. But I think Senator GRASSLEY and Senator BAUCUS have done a terrific job on this bill under the circumstances. These types of bills are always hard fought. This is a good one with sensible, reasonable compromises.

In closing, I want to again personally recognize the substantial work of Chairman GRASSLEY, the Democratic leader on the committee, Senator BAUCUS, and the Senate leadership for bringing this very important bill to the floor.

Over the last 2 years, it has been my pleasure to work with many of my esteemed colleagues on the Finance Committee from both parties to create an effective welfare reauthorization bill. I also thank Becky Shipp, who now serves on the Finance Committee, for her tireless work over the past 18 months and prior to that to help craft a welfare bill that will improve the lives of many Americans.

My own staff, headed by Jace Johnson and Jenny George, has done a terrific job.

These people did superior work for me and the people of Utah for almost 10 years and I was very fortunate to have Becky and now Jace, as members of my staff.

In closing, let there be no misunderstanding as to what this bill does. It strengthens and improves the current welfare laws and gives poor families a realistic chance at achieving self-fulfillment.

The most generous behavior Americans could choose is taking responsibility for ourselves, our thoughts, our actions, and our needs. The most beneficial act we in Congress can perform is to allow those less fortunate to succeed and to help them meet their responsibilities for themselves, their families, and their communities. I urge my colleagues to support this legislation because I am confident this bill, when passed, will benefit the entire country.

Mr. President, I ask unanimous consent that the final 4 minutes prior to the 12:15 p.m. vote be equally divided between Senators DODD and SNOWE, with Senator DODD in control of the first 2 minutes and Senator SNOWE in control of the final 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. Reserving the right to object. I request, if I could, of the Senator from Utah—I understand under a previous unanimous consent agreement yesterday I would have 10 minutes to

speak. Is that right? I want to make sure I still have my time.

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent I may be allowed to speak for up to 12 minutes under the time under the control of the Democratic side.

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

Mr. DODD. Mr. President, I thank my colleague from Delaware for graciously allowing me to take a few minutes here to speak on the amendment I am offering along with my colleague from Maine, Senator SNOWE. I thank her at the outset for her eloquent comments yesterday about the importance of this amendment and her kind comments about the Senator from Connecticut as well.

Let me also very quickly, while he is still here with us on the floor, commend my good friend from Utah. I remember with fondness, going back almost 15 or 16 years ago, when we offered the very first effort to include as part of our efforts on behalf of working families of this country a childcare proposal. That never would have happened without the tremendous leadership of the Senator from Utah, who was pretty much alone, I might say, in those days, in advocating this important initiative on the part of the Federal Government to try to do something to help these families who were trying to stay on the work rolls.

I would be remiss in any discussion about a childcare proposal not to reference the incredible work of the Senator from Utah. Again, I thank him for his leadership and I thank him as well for his cosponsorship of this amendment we are offering today.

Mr. HATCH. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. HATCH. I thank my colleague for his kind remarks and mention that bill would never have occurred without the strength and character he demonstrated, helping to bring it forth. It was a tough time. We had to battle many forces. But in the end, this childcare bill has done an awful lot of good for people in this country. I want to express my respect for my colleague and thank him for yielding.

Mr. DODD. I thank my colleague.

The whole goal, of course, of the underlying bill before us is to move families from welfare to work. That has been the goal of those who initiated this proposal some time ago. Of course, many of us ask the question how in good conscience we could do that, turn our backs on those who are doing what we asked them to do, and that is to leave the dependency of welfare and to enter the workforce. Yet without the adoption of the Snowe-Dodd amendment, it is quite clear some 450,000 to 500,000 children who are presently receiving childcare assistance would have to be dropped from receiving childcare assistance. I don't think any of us want to be a party to that at all.

Let me further point this out to my colleagues as a backdrop of why the Snowe-Dodd amendment is so critically important. Between 1994 up to 2001, we have seen employment by families headed by single mothers soar from 61 percent to now about 75 percent of single parents with children who are in the workforce. Among low-income mothers with children under the age 6, who have the greatest childcare costs and needs, employment has risen from 44 percent in 1996 to about 60 percent in the year 2000.

Let me further point out there are 7 million children every day who go home from school alone, without any kind of afterschool or childcare assistance. These are children aged, some of them, between 6 and 7 years of age.

I don't have to say much more to make the case about the importance of doing what we can here to see to it we have the necessary childcare assistance that working families, poor working families are going to need.

What is presently occurring across the country is States cannot pick up the slack in the current bill. In the year 2003 alone, facing the worst State economies since World War II, 16 States have reduced eligibility levels so that fewer children will qualify for assistance. About 600,000 children in 24 States were put on waiting lists. Nearly every State made other changes in their childcare programs, such as reducing subsidies, increasing parent copays, cutting or eliminating afterschool programs, or shutting off assistance to families not on welfare—working poor families. States even made cuts in childcare quality investments such as reducing safety inspections.

In my own State of Connecticut, last week the State legislature recommended cutting another \$20 million for the States Care4Kids childcare program. I say another \$20 million because this is the most recent cut enacted in my State. The program will have gone from \$121.5 million in fiscal year 2002 down to \$70 million for next year.

In the meantime, of course, costs for childcare have continued to rise. Although the economy seems to be improving, not just Connecticut, but many States continue to face very tough budget decisions.

On this chart, every one of these little figures represents 2,000 children on a wait list across the country. I will not go through the entire list, but just to get some idea of what I am talking about, in Alabama, 16,700; Arizona, 8,000; California, 280,000; Florida 48,800; here in the District of Columbia, 1,400. In my State of Connecticut, 15,000 children are on wait lists; in Georgia, 30,000. It goes on. These are 24 States that keep lists. Other States don't keep waiting lists at all because frankly they don't want to know the numbers, and I don't blame them, because they are struggling across the country with the numbers of children who are qualified and would be eligible for childcare assistance but can't get it. These are

the children on the wait list who presently need it.

Imagine, if you are not a parent of a young child yourself, colleagues, you may have children who are parents. Ask them, ask people in your office, what it is like today if you are going to work, you have a young child, and you are asked to pay \$4,000 to \$6,000 to \$8,000 to \$10,000 a year for childcare assistance.

Our staffs are pretty well taken care of. We have childcare centers for Senate employees. We have childcare centers around Capitol Hill and other places. But if you are a working parent holding down a job and you don't have those kinds of incomes and revenues, you have some idea of what it must be. Data from the Child Care Bureau shows 21 percent of childcare recipients receive TANF funds. This means nearly 80 percent of childcare funds are used to help working poor families. If childcare funds are not increased, the working poor will be cast aside so States have sufficient funds to help the welfare poor.

We ought not rob Peter to pay Paul. Both need our help—those on welfare moving to work and those who have moved from welfare to work but are just barely hanging on. If we deprive them of this additional assistance they fall right back. What good is that, in the welfare reform bill, where our underlying goal is to move people from welfare to work, not only temporarily but permanently, if we can?

The level of funding in the Finance Committee bill which provides an increase of \$200 million a year, in our view—Senator SNOWE and myself and others who are cosponsoring this amendment—is woefully insufficient. The Congressional Budget Office estimates it would cost about \$1.5 billion in additional childcare money to meet the work requirements under the Senate welfare bill. But that is not the full story.

The Congressional Budget Office also estimates even if there were no increase in the work requirements in this bill—of course, there are additional work requirements—it would cost an additional \$4.5 billion over the next 5 years to maintain assistance for the 2 million children who currently receive help for childcare. A subsidy provided for the family today would simply not cover the cost 5 years from now. Again, you don't have to have a Ph.D. in economics to understand that.

To do otherwise is to shift costs to States or the parents, neither of whom are in a position to pick up the slack for the Federal Government.

Let me put this chart up as well. It will give you some sense of what I am talking about. You may not be able to see this very clearly. Every single one of the X's in every one of these States all across the country indicates the State has cut back in one way or another in terms of childcare assistance.

As I mentioned earlier, 24 States have a waiting list for childcare. Other

States do not have a waiting list—not because they do not need assistance, but because they do not want to keep those waiting lists.

It is good news that welfare caseloads are down, although I understand the caseloads in a number of States have actually gone up. A reduced caseload does not mean a reduction in the need for childcare for low-income working families. What we know from studies about families leaving welfare is they are leaving welfare for low-wage jobs. They have left the ranks of the welfare poor to join the ranks of the working poor. Their need for childcare assistance has not changed. In fact, it may have gone up. Many State administrators believe the availability of childcare is one of the chief reasons welfare caseloads have declined.

Nevertheless, the purpose of childcare funding is to assist low-income families regardless of whether they receive welfare. Childcare can easily cost between \$4,000 and \$10,000 a year for one child, more than the cost of public college tuition in nearly every State. Therefore, the fact that welfare rolls have been declining is irrelevant to whether families need childcare assistance.

Nearly one-quarter of the TANF funds used to support childcare assistance is either transferred from TANF to childcare or spent directly on childcare. But estimates show that States are expected to spend a declining percentage of TANF funds on childcare as work requirements increase and TANF reserve funds from early years of the program are exhausted. In fact, most States, including my own of Connecticut, have exhausted their TANF reserve funds, or have nearly exhausted them.

States simply are not awash in TANF money. If they were, they would not be slashing childcare funding. Yet nearly every State has made cuts in childcare assistance. Let us be very clear. The promise made in 1996 when four separate childcare programs were consolidated as part of welfare reform was this would be a simpler program to administer, and childcare assistance would no longer be tied to welfare. Childcare assistance would be available for low-wage families regardless of welfare receipt. Now it appears that lacking sufficient funds, States such as my own are shutting off assistance to the working poor.

My colleagues are telling these families: Work your way off welfare, but once you are off, that is it. They are among the working poor. They are no longer a concern to many of my colleagues here. I disagree.

I thank Senator GRASSLEY and Senator BAUCUS, the chair and ranking Democrat of this committee, along with Senator HATCH and others for understanding this basic concept. Working poor families need this help or they will fall back into a dependency role.

If we do not adopt this amendment, as I mentioned, some 450,000 kids of the

2 million presently being served could lose childcare assistance.

I mentioned as well how single working mothers and their employment force has actually gone up to 75 percent and the poorest families actually have gone up almost 20 percent in the last 4 or 5 years. These mothers need childcare assistance. They don't have alternatives. They are single parents. They do not live necessarily in the old neighborhoods where there was someone next door or down the block or on the neighboring farm who would take care of them. They need this kind of help.

I know my time has expired. Let me say this is not only my view. There is a list of organizations which I ask unanimous consent to be printed in the RECORD, beginning with the National Governors Association, all of whom, regardless of political persuasion or ideology, urge support for our amendment. They understand these families need our support. I ask unanimous consent that the list be printed in the RECORD, along with letters of endorsement.

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

SNOWE-DODD AMENDMENT GROUPS
SUPPORTING \$6 BILLION FOR CHILD CARE

National Governors Association, American Public Human Services Association, National Conference of State Legislatures, National AfterSchool Association, Big Brothers Big Sisters of America, Easter Seals, National Women's Law Center, Children's Defense Fund, Generations United, National Association for the Education of Young Children, Center for Law and Social Policy, Fight Crime: Invest in Kids, National Association of Child Care Resource and Referral Agencies, National Collaboration for Youth, I Am Your Child Foundation.

Girls Incorporated, National Crime Prevention Council, National Institute for Out-of-School Time, United Way of America, YWCA, Campfires USA, AED Center for Youth Development and Policy, Adapted Physical Activity Council, Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Academy of Child and Adolescent Psychiatry.

American Association on Mental Retardation, American Dance Therapy Association, American Foundation of the Blind, American Music Therapy Association, American Occupation Therapy Association, Association for Maternal and Child Health Programs, Association of University Centers on Disabilities.

Bazelon Center for Mental Health Law, Council of Parent Advocates and Attorneys, Division of Early Childhood of the Council for Exceptional Children, Epilepsy Foundation, Federal of Families for Children's Mental Health, Helen Keller National Center, IDEA Infant and Toddler Coordinators Association, International Dyslexia Association.

Learning Disabilities Association of America, National Association of Protection and Advocacy Systems, National Association of School Psychologists, National Association of Social Workers, National Coalition on Deaf-Blindness, National Consortium for Physical Education and Recreation for Individuals with Disabilities, Research Institute for Independent Living.

School Social Workers Association of America, Spina Bifida Association of America, TASH, The Arc of the United States,

United Cerebral Palsy, USAction, US Action Education Fund, Volunteers of America, Youth Service America, 4 Counties for Kids (IL), Akron After-School (OH).

Arizona School-Age Coalition, Arizona State University, California School Age Coalition, Campfire USA First Texas Council, Circle "C" Ranch Academy (Tampa, FL), Columbia Heights Youth Club, Connecticut After-School Alliance, Connecticut School-Age Care Alliance, Flood Brook Community Collaborative (S. Londonderry, VT), Florida School-Age Child Care Coalition, Georgia School-Age Care Association, Heads Up (DC).

Illinois School-Age Care Network, Nebraska School-Age Care Alliance, Newport Enrichment Team (Newport, NH), New York State School-Age Care Coalition, North Shore Community College School-Age Child Care Certificate Program (MA), R'Club Child Care, Inc. (St. Petersburg, FL), Safe Harbor After-School (Michigan City, IN), Safe Haven After-School Program (Fresno, CA).

Southwest Community Network, Texas Afterschool Association, Texas Afterschool Network, The After-School Corporation (NY), United People Who Care Organization, Inc. (AZ), University Outreach Services, Shawnee State University (OR).

Utah School Age Care Alliance, Yuma School District #1, Discovery Clubs (AZ), Wings Afterschool Program (Whitingham, VT), Results, Inc., Voices for Utah Children, Voices for Children of San Antonio, Pennsylvania Partnership for Children, Wisconsin Council on Children and Families.

Mr. DODD. Mr. President, Senator SNOWE, cosponsors of this amendment, and myself, believe the amendment deserves support. We urge adoption of it.

I thank my colleagues for listening.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

I am going to vote yes on the amendment of the Senator from Maine. There are several reasons.

I have already stated yesterday in remarks that I believe the next phase of welfare reform must focus on strengthening work and opportunities for people to move from welfare to work. Of course, work is the key to self-sufficiency. Hence, this bill; this bill strengthens work. It would increase the participation rate requirement for States as well as increase the standard hours for individuals.

The typical welfare adult case is usually a single mother with a young child, many of whom lack even a high school degree. These are women who work more often than not. These women more often than not have families in crisis. They can't find a way to make their lives work. They need help.

If we are asking these women to go to work and to move from part-time to full-time work, if that is the case for some, childcare is an integral part of ensuring they can successfully meet the challenge required by law—a challenge that is good for society. Moving people out of welfare into the world of work is the only way they can move up the economic ladder. A life of welfare is a life of poverty.

Lack of good, affordable childcare is often a barrier to succeeding in the workplace. I am committed to doing

everything I can to help these families succeed in work. That is good for the taxpayer as well as for the families. I have come to the conclusion that increasing funding for childcare is a key to accomplishing that goal.

As we know, States are facing budget deficits and childcare funding in those States has been frozen. Certainly in the context of a debate over welfare reform and progress, we should be mindful that States have spent resources to provide childcare to families attempting a transition from welfare to work.

I believe in the context of the debate over welfare reform we should consider whether it is important that we provide a level of funding sufficient so States can maintain the childcare supporting services they have been providing to welfare recipients and low-income families. I have concluded it is important to continue those services. I recognize in order to do that, we need to provide additional resources in the specific area of childcare.

If we were merely to increase childcare funding at a rate to keep up with inflation on the current level of spending, we would increase it by about \$1.5 billion. If we include the \$1 billion already in the bill before the Senate as it was reported out of committee and adjust that for inflation as well as including what the Congressional Budget Office estimates are the childcare costs associated with increasing the work requirement, we are close to \$3.3 billion in additional childcare costs. This is what we know. We know we need at least \$3.3 billion to meet the challenge of childcare. Now we have heard we need anywhere from \$4 billion to \$5 billion for States to continue providing services related to childcare.

I don't think we know for sure the exact increase of childcare funding we need to maintain the current level of services. However, I do think we need to assume there is a need, and an increasing need.

I do not believe \$6 billion over 5 years is an unreasonable increase in childcare funding, given the increase in the work requirements, the current State budget situation, and the importance of maintaining at the very least the current level of childcare support available to low-income families.

Therefore, I will vote for the Snowe amendment. I ask my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President, I want to say how gratified I am to hear Senator GRASSLEY. I was very much encouraged to hear the comments of Senator HATCH.

As I see, we have been joined on the floor by Senator SNOWE of Maine, the author of this amendment, and by Senator DODD, who spoke just a few minutes ago.

I want to express to them my heartfelt thanks for their leadership in

bringing this issue before us, and for working to build consensus around this amendment.

I strongly support this. In explaining that support, I go a long way back in time, back to 1936. In 1936, we did not have a welfare program at the Federal level in this country. In 1936, we adopted something after the encouragement of FDR that largely provided cash assistance to widows with children. Over the years, from 1936 through World War II and into the 1980s and 1990s, welfare changed.

By 1996, when welfare reform was adopted, widows and children were eligible for cash assistance on AFDC, Aid to Families with Dependent Children. A lot of the people receiving AFDC had children. For the most part, they were not widows. For the most part, they had never been married.

Despite the best of intentions, what we created after 1936 was a program that encouraged many women to have children, oftentimes at a young age; encouraged men to impregnate them; and encouraged the men to walk away from the children they helped to create as if they had nothing to do with it.

That is not to say welfare as we knew it did not do a lot of good. It did. But it also caught a lot of people in quicksand from which they found it difficult to escape.

Members may recall the debate back in the 1990s. Bill Clinton, when he ran for President, said we need to change welfare as we know it. One of the reasons is, in the early 1990s, a lot of people were better off on welfare than they were working.

For the folks who went to work, who got off of welfare, here is what they gained: They gained the right to pay taxes, State income taxes, Federal income taxes, Social Security taxes.

Here is what they lost: They may lose their health care, their Medicaid health care; they may lose food stamp eligibility; they may lose assisted housing; they have to figure out how to pay for transportation to get to a job; and they will have to figure out how to pay for childcare.

That all changed effectively in 1996. A lot of Governors were involved, including some who serve here today: Governors VOINOVICH, ALLEN, myself, and EVAN BAYH of Indiana worked with a whole lot of other Governors, including John Engler of Michigan, to provide unanimity on the part of the States and the National Governors Association, who said we have to change this system. People ought to be better off when they go to work than when they are on welfare.

When we created the block grant approach, Temporary Assistance for Needy Families, we said States have some flexibility in using that money that is allocated to them. They can use it for cash assistance, they can use it for childcare, they can use it for transportation assistance, they can use it for medical assistance, as well. Interestingly enough, as the welfare rolls

dropped—and they are down by half—the amount of money spent out of the Temporary Assistance for Needy Family fund is now less than half of that which is spent. We spend a lot more money collectively on childcare, transportation assistance, and medical assistance. Not everyone who is off welfare is better off, but a whole lot of people are.

Fast forward today to 2004, 8 years after the adoption of the welfare reform. We heard Senator DODD go through the numbers and explain why we need to provide this additional money. Let me reiterate a couple of points. Almost half the States have a waiting list today for families who are eligible under the criteria of those States. They are eligible for childcare assistance. But the States cannot provide it.

California has over a quarter of a million people on the waiting list. In Virginia, there are 7,000. Again, they are eligible under the State's definition, the State's requirement for childcare, but the States cannot make good on it.

Last year, the States had a collective shortfall in their budgets of about \$80 billion. It is not a whole lot better this year. It will not be a whole lot better next year.

Along the way, the States have been changing their criteria for eligibility. A couple of examples include Ohio, Nebraska, and Kentucky. Now if you make more than \$23,000 and you have a family of three people, you are not eligible for childcare anymore. If you make more than \$19,100 in Indiana, you are not eligible for childcare assistance if you have a family of three. In Nebraska, if you make more than \$18,800 and you are a family of three, you are no longer eligible for childcare.

From my own experience as Governor of my State, there are four things needed in order to help people move off of welfare, and to stay off of welfare. One is a job. Second is a way to get to the job. Third is help with health care, children's care and their own. Last is help with childcare. If you do not have those four things—a job, a way to get to the job, help with health care, and childcare—people will not make a transition to work and remain working.

My friends, there are still some provisions in this bill over which we will probably have differences. This is one over which there should be no difference. This is a point on which Democrats and Republicans ought to agree. I am encouraged. We have a great opportunity for consensus on this bill. A big part of reaching a consensus enables us to pass this legislation, and to agree on this amendment. If we do, my hope is we can work out some of the more difficult amendments and get to a position where we can vote on final passage today.

Remember the old saying: If it ain't broke, don't fix it. On welfare reform, a lot of skeptics in 1996 said this will not work; we will throw people to the lions,

and we will make things worse. For the most part, those fears have been unfounded. For the most part, people are better off. In million of homes today, someone is waking up and going to work. Their children have seen them go to work. If we provide good childcare for their children, we reverse the likelihood their children will end up in a welfare situation.

CHRIS DODD knows this better than I do. For a child who has good reading skills, the parents have read to them. They had quality prekindergarten training. When they go into first grade they have a 15,000-word surplus compared to those kids who have not had those things. Those kids will walk into the first grade with a 15,000-word or more word deficit.

We learn, as human beings, about half of what we will learn by the time we are 6. To the extent that we have kids who are in the home of somebody who is trying to hold things together, working minimum-wage jobs, they are not getting the kind of nurturing, whether at home or through a quality pre-K program, we raise the likelihood they themselves will end up entering school behind, falling further behind, and we raise the prospect, the likelihood they, too, will end up in a life of dependency.

It does not have to happen. I am very much encouraged if we pass this legislation today a lot of childcare providers will have the money they need to provide quality care. A lot of families ending up on the waiting lists will find the waiting lists reduced, and a lot of children who do not have a successful time of it when they get to kindergarten and first grade will have a better time of it.

Mr. DODD. I thank my Senator for his statement in support. As a former Governor, of course, he understands these issues from a State perspective, as well as cutbacks.

I am particularly grateful for the mention of the gap that exists between the poorest children in this country and those who come from the more affluent families. The slight correction I make—even his number is startling—but the average middle class child is exposed to about 500,000 words by kindergarten; an economically disadvantaged child is exposed to half as many, at best.

To put it in perspective. In a childcare setting where children, in the absence of parents who are working, can actually be in a place where they can learn, you may not close that gap entirely, but the gap of more than 100,000 words between those two children ought to startle every single American.

I thank my colleague for raising that issue.

Mr. CARPER. Whether the deficit is 100,000 or 15,000 words, it is too much.

The good news is this: We can do something about it. We can do something about it today. We can do something about it in 25 minutes when we

vote on the Snowe-Dodd amendment. That is what we need to do.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, unless the Senator from Alabama wishes to proceed, I yield 3 minutes to the Senator from Wisconsin, Mr. KOHL.

Mr. SESSIONS. That will be fine. The Senator from Wisconsin was here before I was.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I thank the Senator from Montana.

Mr. President, I rise today in support of the amendment offered by Senators SNOWE and DODD to provide an additional \$6 billion in childcare funding. The amendment is essential to guaranteeing the safety and health of the children of working families, and if it fails I cannot support the underlying bill.

I say that as a strong supporter of positive welfare reform. Wisconsin led the Nation in developing programs to move families off welfare and into employment long before Congress enacted the 1996 welfare reform bill, for which I voted. But the great success Wisconsin has seen would not have been possible without the vital work supports offered to welfare families—families that could not have become self-sufficient without help with childcare, health care, and food stamps.

Across our country, wherever you find stable and safe childcare available and affordable, you see parents moving off the welfare rolls and into jobs. Unfortunately, quality childcare is out of reach for too many working families today.

According to recent data, the average fee in Wisconsin for full-time care can surpass \$7,000 a year—a small fortune to a single parent working at or near the minimum wage. The Snowe-Dodd amendment, combined with the funding in the underlying bill, would send an additional \$124 million in childcare funding to Wisconsin to help those working parents afford the care their children deserve. That translates into thousands more parents able to work, and thousands more children able to spend their days in a healthy, safe environment. The story is the same in all 50 States.

With the addition of the Snowe-Dodd amendment, the Senate can be proud of a welfare bill that lives up to its name—a bill that truly works for the welfare of struggling parents and, more importantly, their children. The Snowe-Dodd amendment builds on the childcare funding already in the bill as well as other important provisions to make sure working families receive the support they need and deserve.

One such provision, sponsored by Senator SNOWE and myself, would free child support payments from State and Federal red tape and send it straight to

the children for whom it is intended. Under current law, Federal and State governments can hold onto childcare payments in order to offset welfare expenses. Our provision gives State options and incentives to deliver child support directly to families. Wisconsin has been doing this since 1997, with great results. Fathers are more apt to pay—and pay more—when they know their children are on the receiving end instead of the Government. And there are no added costs to States, as families that receive child support have more of their own income and are less likely to need other public assistance.

Childcare funding and child support are two simple steps towards ensuring families a smoother path towards self-sufficiency—and that is what a reformed, a compassionate, and an effective welfare system is supposed to be about. With the addition of the Snowe-Dodd amendment, the Senate's welfare bill will go a long way toward creating such a system.

Unfortunately, the same cannot be said of the House welfare bill. The draconian penalties it includes would do little to help families move off of welfare and into employment. In addition, the House bill does away with protections for mothers with children under 6—a disturbing policy decision with long-run implications for the future of the infants and toddlers it targets.

I urge my colleagues who take this bill to conference to reject the approach taken by the House. Families struggling to make a decent living for their children need a hand up—not a slap down. There is no sense in punishing parents and children for being poor. I also urge the Senate to overwhelmingly accept the Snowe-Dodd amendment today—and say yes to a healthy future for our Nation's most unfortunate children.

Mr. President, I thank Senator DODD and Senator BAUCUS and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am inclined to want to say: Here we go again. We have a good bill, founded on, and built upon, a welfare reform bill that passed a number of years ago that has had extraordinary success. We now have about half as many people in America on welfare as there were before.

I guess the average American would think we have saved money, but, of course, that is not so. The way we give money to the States, fundamentally, is they get the same amount of money, no matter how many people are on the rolls, and they get to focus that money more on the people who are on welfare. And we have not saved money.

In addition, we have come up with a new welfare reform bill that I believe does a lot of good things. It will en-

courage work. It will encourage family formation. It will encourage stable family units and be positive in a number of different ways. So I think it is a good bill.

But even though the number of people on welfare is down, even though that number has continued to drop during the times of economic activity that we have seen in the recent past, we are not saving any money.

The bill itself, the fundamental bill, has a \$1 billion increase in funding. And now, on top of that, we have a \$6 billion childcare program added on top.

Now, having served on the Budget Committee, as I know the Presiding Officer has, we wrestled hard with these numbers. We wrestled hard with these numbers, and we criticized ourselves, and we told ourselves—over and over again—we have to start restraining what we do in terms of spending.

We have had people on the other side complain mightily about budget deficits over and over again. Oh, they are concerned about our budget deficits. But when we have a bill to add a huge new spending program to a welfare bill that, truthfully, ought to come in flat, at least, if not reducing the amount of welfare—since we have half as many people on welfare as we used to have—we now tack on to that \$1 billion fundamental welfare reform a \$6 billion childcare reform.

To my knowledge—I am on the Health, Education, Labor and Pensions Committee—we have not discussed childcare in our committee. I do not believe there has been any formal or thorough hearings in the Finance Committee. Just boom, right on top of this bill, \$6 billion. Sock it to the taxpayer.

Oh, they say it is going to be paid for by Customs user fees. Every bill that comes through here that is unfunded they say it is going to be paid for by Customs user fees. Surely, we will have some revenue come out of Customs user fees, but it is just revenue, just money that is coming into our Government when we are in a time of substantial deficit.

So we are going to spend that, not to fund programs we have out there now that need it, but we are going to spend that new money, they tell us, in this bill on an entirely new childcare program.

Let me show this chart. This chart gives an indication that this Congress has not been insensitive to childcare in America. And let me say this, something we do not think about: We have fought in this Congress, and we need to reauthorize this year, the child tax credit, which provides \$1,000 per year for every child in America so families can use that money for childcare or anything else they need—\$1,000 per child. For a three-child family, \$3,000. They have that money they can utilize as they choose.

Not only that, we are reducing the marriage penalty. When people get married, they pay more taxes. Not only that, we have reduced the 15-percent

bracket, or expanded the 10-percent bracket, so that more people will be paying income tax rates at 10 percent rather than 15 percent. It is a substantial reduction for them, a one-third reduction in the amount of income tax lower income working Americans will be paying.

Those are good things we have done without any bureaucracy or anything of that nature.

Look at this chart. This shows the various childcare programs we have in America. Total childcare spending, Federal and State—about \$6 billion of it is State—\$23 billion per year. Now, I am telling you, that is a major commitment by this Congress and the American people to deal with childcare.

But there is a limit to what we do here. We have reduced people on welfare by 50 percent. Are we saving any money for the taxpayers? No. We are adding a \$1 billion increase in this bill to help that remaining 50 percent to be positive contributors, to have education and training and jobs and other assets and childcare.

As a matter of fact, this welfare reform bill will unlock \$2 billion that is sitting out there right now. This \$2 billion, because of the regulations, is not being able to be utilized. That \$2 billion, when it is unlocked, will be available for childcare or whatever the State managers of these programs deem to use it for.

I wish we had the money to fund everybody who wanted to have childcare, to just let them have it. I wish we had the money. I wish we had the money to do a lot of things around here, but we are in a period of deficit. We need to maintain integrity in spending.

The PRESIDING OFFICER. The Senator has used his time.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I consume.

Clearly, to make welfare work, there has to be adequate childcare support. It is a no-brainer. I appreciate Senator GRASSLEY's efforts to help improve this bill. I appreciate, therefore, even more the amendment offered by the Senators from Connecticut and Maine to provide for adequate childcare funding. I further appreciate the support of this amendment by the chairman of the committee, Senator GRASSLEY. It is another example of his doing what is right. There are a lot of politics around here. Clearly, what is right is to make sure our kids get enough childcare support.

There are 2 million children today who currently benefit from Federal childcare. Maintaining that current level will take \$4.5 billion over the next 5 years. We also need another \$1.5 billion just to cover the cost of the new work requirements in the Senate bill. In total, we need \$5 billion more than this bill requires. Therefore, the

amendment pending is one that must be passed.

In Montana, more than 10,000 children receive childcare assistance, but that is only one-tenth of the number of children who are eligible for childcare assistance. I believe with passage of this amendment, we will be able to raise that one-tenth to a much higher level.

I remember when I walked across the State of Montana, I met a lady who must have been 19, 20 years old, near Bozeman. She told me she was trying her level best, emphatically, to stay off welfare. She was a single mom. She had one child. She had a very low-paying job. She was a very adroit woman. She looked like she had a lot on the ball. But she was determined to stay off welfare. She slept on her parents' sofa so she didn't have to pay for a room, and someone else took care of her child during part of the day. But then she figured out that her childcare cost her 30 to 40 percent of her total wages. She couldn't do it. She was so upset that she had to go back on welfare. Why? Because the wages she was receiving were not enough and her childcare was costing way too much.

Based upon that one example alone, I personally know how valuable this is. Childcare is critical to help keep people off of welfare, to help keep people working. It is an investment in our future. Who knows, some of these children might be future Nobel Prize winners, future inventors or poets or authors. These are our kids. It is a no-brainer for passage of the amendment. I urge a very large vote.

How much time remains on our side?

The PRESIDING OFFICER. Three minutes 15 seconds.

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for yielding me the time.

I strongly support this amendment and believe it is an essential part of any TANF reauthorization. If we were to defeat this amendment, we would probably have to conclude that we are better off under current law than under the bill that has been reported out of the Finance Committee. Many of my colleagues believe we should have done more for childcare in the legislation we were considering in the Finance Committee, but it was determined at that time that our best opportunity to get the support we needed was to follow the lead of the two sponsors of this amendment, Senator SNOWE, in particular, in the committee and Senator DODD here on the floor, to be sure that this legislation got enacted.

The truth is, the underlying bill imposes greater work requirements on low-income mothers and puts them in an impossible situation if we don't continue to provide the childcare assistance they need. It is also clear that if we take the level of funding of childcare that is provided for in the bill

without this amendment, we will see childcare assistance denied to hundreds of thousands of working poor families.

This is essential legislation. I strongly support it. I urge my colleagues to support this amendment. With this amendment, we can move ahead with consideration of other amendments and hopefully wind up with reauthorized TANF legislation that we can all support.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield myself the remaining time and ask unanimous consent to add the following Senators as cosponsors of the amendment: Senators DAYTON, DEWINE, CORZINE, and HARKIN.

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

Ms. SNOWE. Mr. President, I rise to make a few comments regarding this amendment before the final vote.

First, I thank Chairman GRASSLEY for his extraordinary leadership and his commitment to ensuring that this legislation gets completed this year, as should be done given all the temporary extensions, but also for his support of the pending amendment to increase childcare support by more than \$6 billion.

I also thank Senator DODD, who has provided exemplary advocacy and leadership on behalf of families and children. I appreciate his reaching across the political aisle to forge and craft this bipartisan amendment, along with Senator CARPER, who approached me some time ago as well, because of his leadership previously as Governor and now in the Senate on the importance and value of providing the necessary child support in order to make sure we improve the well-being and quality of life for families and children as we transition off this entire welfare system. And I thank other cosponsors such as Senator BINGAMAN and all of the Senators who have chosen to cosponsor this amendment across the political aisle. I truly appreciate it. It will give breadth and depth to the reauthorization of this welfare reauthorization.

This amendment is a recognition of reality. If we want the nearly 5 million people who currently are on the case-load to transition and remain off welfare, we clearly have to provide them affordable, quality childcare assistance. In fact, one of the major pillars in the 1996 landmark legislation was to ensure that we create the necessary support systems so that full-time employment would become accessible.

We created the childcare development block grant for families who are on welfare, those transitioning off welfare, low-income families who are not on welfare for whom this assistance could make all the difference. Yet today only one in seven children—only 15 percent—in America who are eligible for Federal support are actually receiving it.

More significantly, in 2003, every State in America has reduced their

childcare support because of the tremendous financial constraints they are confronting. Not only that, there are 16 States that are reducing the eligibility levels. Therefore, fewer children will be eligible for childcare assistance.

There can be no question about the impact of the value of childcare in America. According to a 2002 study, 82 percent of former welfare recipients who receive childcare assistance are more likely than those who do not to have employment for 2 years after being off welfare. That is critically important because it underscores the value of providing this type of support.

Currently there are 2 million children receiving a childcare subsidy, which is only a fraction of those children who are eligible. CBO estimates that it will require \$4.5 billion to ensure all 2 million children receive the current level of support over the next 5 years. Yet the underlying bill only includes \$1 billion that will cover approximately the increased cost to childcare as a result of the expanded work requirements. So if we do nothing more than the underlying bill, there is the potential of 400,000 children who will lose childcare support if we do not pass this amendment today.

Now, some people say, you know, we are doing enough. Well, you ask the 605,000 children in America who are on waiting lists. There are not waiting lists in every State. Some States don't keep waiting lists, and the reason is because they know they cannot fulfill the burgeoning demand for childcare and will create expectations they cannot fulfill.

This amendment becomes critically important to the well-being of families and children. It is a recognition of reality. The reality is, if we want families to leave welfare, stay off welfare, then let's give them the support they need by passing this amendment. The reality is that children need the quality daycare while their parents are working to improve themselves and their families. We don't want to create untenable situations that require families to make untenable choices.

I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield the remainder of our time to the Senator from Connecticut.

Mr. DODD. Mr. President, very quickly, I thank the chairman and ranking member of the Finance Committee for their leadership on this issue. Once again, I am deeply pleased to be joining Senator SNOWE. She has worked tirelessly on behalf of children and the issue of childcare during our joint service in the Senate. I also thank Senator HATCH and others. I go back a long way with Senator HATCH. It was almost 15 years ago, in 1990, when we passed the first Childcare and Development Block Grant, CCDBG.

In 1996, we consolidated 4 separate childcare programs and included them in the welfare reform package. I have a

couple of quick points to make. Federal funds presently have been frozen for 3 years on childcare. The costs are obviously going up. Senator SNOWE pointed out we have 400,000 to 450,000 children who will be dropped from child care assistance if this amendment is not included. At least 600,000 children are on waiting lists in the 24 States that keep them. For the remaining States, obviously, there are many eligible children not receiving child care help.

The Governors want this. They have been asking for it. They are cutting back themselves. Every State has cut back in one way or another on childcare assistance programs. Seven million children every day go home from school to an empty house, with no kind of afterschool program and care. I don't think any of us want to see that perpetuated.

This amendment is paid for by extending Customs user fees which are scheduled to expire. We are not asking anyone to add to the deficit at all. This is an existing program. There is nothing new about it. It was crafted 15 years ago and part of a consolidation of child care programs in 1996, so it is not a new program. The amendment is paid for and it is absolutely critical.

The underlying bill says, let's get people off of welfare and to work. We have expanded some of the work requirements here. You must have additional childcare support, or working poor families will slip back into dependency. No Member wants to be part of a solution that would require that to happen with too many families out there making a tremendous effort to stay employed and independent.

Senator SNOWE and I graciously ask for your continuing support of this very important program. We urge adoption of this amendment.

Mr. HATCH. Mr. President, I rise today in support of this amendment to increase the amount of mandatory childcare funding available to States.

Many of us understand that child care is an essential part of encouraging people to work. I have long believed that parents who are concerned about their children's well-being cannot be effective, dependable employees. Unfortunately, the data are clear; the need for affordable child care in this country is rapidly increasing and the Federal funds available to help poor families have deteriorated significantly due to flat funding and inflation. Without dramatic funding increases, over 600,000 poor parents will face tough decisions about what to do with their children while they are working to keep the family out of poverty. I am concerned about this statistic.

I sincerely believe it is the right thing to do to require families receiving Federal assistance to work more hours to ensure they can become self-sufficient. That is one of the many reasons I am supportive of this bill, H.R. 4. However, requiring more hours of work from poor parents inevitably leads to

an even greater demand in childcare funding because parents must be out of the home for longer periods of time. In many respects this is a healthy development for the family. But the \$1 billion increase in childcare funding provided by this bill is simply not adequate to meet this increased work requirement; therefore, I think we need to go a step further. That is why I support this important amendment to increase child care funding by \$6 billion over the next 5 years.

I would like to make it clear that I certainly understand the budget shortfalls this country is facing. While I believe much good can be done by increasing child care funding, I would not be supportive of this amendment if it were not 100 percent deficit neutral. I am pleased to see this amendment is offset by increases in customs user fees and does not add to the budget shortfalls we are currently experiencing. High deficits and the mountain of Federal debt represent real obligations that hurt our economic security, both now and in the future. Therefore, as long as we have a viable offset for childcare funding increases, I am supportive.

With that understanding, I encourage my Senate colleagues to support this amendment and provide these necessary childcare funds to families.

Mr. HARKIN. Mr. President, I add my strong support for the Snowe/Dodd amendment to add \$6 billion in childcare funding in the TANF bill. This will allow for urgently needed improvements to access and the quality of childcare.

Back in 1996, Congress passed a tough welfare reform bill that demanded personal responsibility. I supported that bill. It said that if you are on welfare and you can work, you must work. Our reform has had some substantial successes, but now is not the time for a victory lap. I am particularly concerned that this bill does not provide adequate funding to address what we all know is one of the major barriers to employment—childcare.

If we are going to demand personal responsibility from every American, I believe the Government has a responsibility to every American.

If we are going to help struggling low-income families and those trying to leave welfare over the long term, we have a responsibility to provide those families with access to affordable, high quality childcare. Nationwide only one in eight kids eligible for childcare assistance actually receives it. In Iowa the story is worse, only 1 out of 12 actually receives assistance. Parents cannot work if they cannot afford decent childcare. But the sad reality is that many are forced, too often, to leave their kids in substandard care—or no care at all.

In Iowa nearly two-thirds of mothers with kids under age six are in the workforce. That is the second highest in the Nation. This means that children in Iowa spend a large percentage

of their formative years in childcare. Unfortunately the availability of quality daycare has not kept pace with the demand of daycare. I have heard countless stories of families who tell me they had to leave their kids in substandard care because they could not find quality care or because they could not afford better care. One woman told me that she knew her kids were in front of the TV most of the day, but that was the only option she had. She had to go to work. These stories are just devastating.

Even when a family can find childcare, it is often too expensive. Low-income working families often spend almost 50 percent of their paychecks on childcare. Meanwhile, higher income families spent only 6 percent.

In my State of Iowa, the average cost of childcare in rural areas is almost \$6,000 a year. And that is just for one child. The average wage of someone on TANF is only \$7.28. So if we do the math, someone making slightly more than minimum wage working 40 hours a week is spending almost half of their earnings on childcare. One single mom struggling to get off welfare in Iowa told me that she spends 45 percent of her income to meet the childcare costs for her two children—and she has to work a second job at night so they can survive. Her total yearly childcare for two kids is \$12,000.

And regardless of income, parents worry about the quality of childcare. In Iowa the majority of growth has been in nonregistered, unregulated care as opposed to registered and accredited centers. Nationwide there is also a major shortage of quality childcare for children in rural areas, for children with special needs, and for infants and toddlers. In fact, in a recent Midwest study, Iowa ranked the lowest in providing quality care for infants and toddlers. This is alarming, because the years through age three are a critical time for brain development and emotional development. This is when a child lays the foundation—or fails to lay the foundation—for later success in school and life.

Data from the National Academy of Sciences shows that the first 3 years of a child's life are the most important—80 percent of brain development occurs before the child's third birthday. Children who do not have rich, enjoyable, emotionally, and intellectually stimulating learning experiences during these important years can be stunted for life.

In fact, more than a dozen years ago, in 1991, the Committee for Economic Development, made up of business leaders, found that investing in quality childcare and other early interventions was critical to securing this Nation's economic future. CED urged Federal policy makers to view education as a process that begins at birth.

We also know that good childcare prevents later crime and violence. I request unanimous consent that this op-ed, written by the Des Moines chief of police, be included in the RECORD.

Chief McCarthy says that "my law enforcement experience has taught me that by giving children the right start in life through programs such as pre-K and childcare, we can dramatically reduce the chances of you or someone you love becoming the victim of violence."

Yet despite all that we know about how important good quality childcare is, we fail to support our highly skilled childcare providers. In fact, we are paying them less than bus drivers, barbers and janitors. I think it is time that changed. The average childcare worker's salary in Iowa is \$14,100, well below the national average. There is also a 50 percent turnover rate for childcare providers. This is particularly harmful as stable, consistent relationships are essential to healthy development.

Recognizing the inadequacy in quality as chairman of Labor, Health and Human Services Subcommittee of Appropriations, I began funding an additional \$200 million in CCDBG to improve quality, with targeted funding directed to infant and toddler needs.

The Dodd/Snow amendment will bring us a step closer to the day when all young children have the opportunities and supports they need to embark on a lifetime of learning.

We talk a lot in this country about budget deficits, economic prosperity and how as a nation we have to prioritize. One of our priorities surely must be to strengthen families, encourage work, and provide decent childcare. I understand that many of my colleagues have concerns with the cost of this amendment. Well if we can find trillions of dollars for tax cuts, hundreds of billion of dollars for a prescription drug give-away to big pharmaceutical companies and HMOs, and tens of billions of dollars for a trip to Mars, then surely we can make key investments in programs like CCDBG. I urge my colleagues to strongly support the Snowe/Dodd amendment.

Mrs. MURRAY. Mr. President, I rise in support of the Snowe-Dodd amendment to increase funding for child care by \$6 billion. We know that high-quality child care makes a real difference for children and their families. It allows parents to work, and at the same time it gives children a safe and productive place to learn.

Today the need for child care is growing, but government support is not. In fact, because of the slow economy and State budget problems, many States are cutting back on their support of child care. This is having an especially painful impact on low-income families—the very families that are helped the most by child care. These are also the same families that will need more help because of the work requirements in the underlying bill. That is why we need to pass this amendment.

The Snowe-Dodd amendment will increase funding for the Child Care Development Block Grant by \$6 billion. Without this amendment, about 430,000 children will lose their child care as-

sistance over the next 3 years. This amendment will make a real difference for families in every state. In my own home state of Washington, this amendment will mean nearly \$140 million in increased child care funding for Washington families.

Over the years, I have fought on this floor to increase child care funding, so I don't need to spend a lot of time reviewing what the research shows us. We know that safe, quality child care helps children start school ready to learn and keeps children safe while their parents work. Studies show that quality makes a real difference. Children in poor-quality child care have been found to lag behind in language and reading skills and to display more aggression. On the other hand, children in high-quality child care have greater math, thinking and attention skills. They also have fewer behavior problems than children in lower-quality care.

The benefits of high quality child care are not in question; the only question is how many families can afford it? Full-day child care easily costs from \$4,000 to \$10,000 a year. That is at least as much as college tuition at a public university, and it's more than many families can afford. For example, if both parents work full-time for minimum wage, they only make \$21,400 a year. Child care would be one-quarter to one-half of their income. Clearly, they need help.

Today, nearly 16 million children under age 13—who are living in low-income families—are likely to need child care. But out of those 16 million, only one in seven low-income children receive the federal child care assistance for which they are eligible.

Even worse, the need for child care is increasing because of our high unemployment rate and because of the increased work requirements in the underlying bill. Many out-of-work parents are looking for jobs, and they need child care to be able to look for a job. If this amendment fails and the underlying bill passes, about 430,000 children will lose their child care assistance by fiscal year 2008. Without this amendment, fewer and fewer children will get the child care they need. Because of inflation alone, States will need \$5 billion over the next 5 years just to keep serving the same number of children. And that assumes that TANF funds will be available and that State budgets won't be cut.

We already know that States are cutting back on child care funding because of their budget shortfalls. In 2000, States spent \$3.8 billion in TANF funds for child care programs. By 2002, State spending had dropped to \$3.5 billion. Many States have growing numbers of low-income families on waiting lists. Some States are turning low-income families away unless those families receive TANF, are moving out of TANF, or have other special circumstances. Other States have altered eligibility requirements so that only the very

poor receive assistance. And some States have raised copayments. According to the General Accounting Office, 23 States have changed their child care policies since 2001 in ways that limit access for families, shutting the door on opportunities for parents to work.

My own State of Washington has lowered the eligibility standard for child care subsidies from 225 percent to 200 percent of poverty. Washington State also increased monthly co-payments for families. In 2000, 54,000 children in Washington received subsidized child care. By 2001, the number had dropped to 51,200. As I mentioned earlier, this amendment will mean nearly \$140 million in increased child care funding for Washington families. That help is desperately needed.

Today we are considering a welfare reauthorization bill that is supposed to help struggling families become self-sufficient. I do not believe we can have a meaningful conversation about getting parents into jobs unless families have access to safe, quality child care. I urge my colleagues to support the Snowe-Dodd amendment to increase child care funding by \$6 billion.

Mr. BINGAMAN. Mr. President, I rise today in strong support of the bipartisan childcare amendment being offered today. This amendment would provide reasonable and necessary increases in funding to the Child Care Development Block Grant.

The underlying bill only provides increases of \$200 million per year for 5 years for childcare. Unfortunately, this level of funding fails to support low-income families who are trying to become independent and self-sufficient. First, the underlying bill imposes more rigorous work requirements on TANF mothers without providing enough resources for essential childcare support. In addition, the level of funding in the underlying bill is so inadequate that it will result in the loss of childcare funding for hundreds of thousands of working poor families. The cost of quality childcare in this country can exceed \$10,000 per year, thus rendering quality childcare out of reach for too many low-income working families.

I strongly support this amendment. This amendment would provide the necessary funds to support the work requirements of TANF recipients as well as the efforts of low-income working families—parents trying to stay off welfare. It would provide sufficient resources to, at the very least, maintain the number of childcare slots available to working families. And, it would provide families with opportunities for quality childcare.

The availability of childcare assistance through the Child Care Development Block Grant, CCDBG, played an essential role in the decline of welfare caseloads around the country throughout the 1990s. Both the Federal Government and the States dramatically increased spending for child care after passage of welfare reform in 1996. The

bulk of the increases, however, came from the Federal Government. By 2002, the Federal Government appropriated approximately \$4.8 billion for childcare in both discretionary and mandatory spending. States also saw record declines in TANF caseloads, and thus were able to use the flexible TANF dollars for childcare assistance.

The number of employed single mothers dramatically increased from 6.4 million in 1996 to 7.3 million in 2001. And, employment rates among low-income mothers with young children increased from 44 percent in 1996 to 59 percent in 2000. The number of children receiving childcare services through CCDBG doubled during this period from 1 million to approximately 2 million children.

Further, research shows that the availability of childcare subsidies leads to more work, higher earnings, and a greater likelihood of remaining off welfare. A recent study found that single mothers with young children who receive childcare assistance are 40 percent more likely to still be employed after 2 years than mothers who do not receive such assistance. And, the numbers only increase for mothers who were former welfare recipients. According to the data, former welfare recipients with young children who receive childcare assistance are 82 percent more likely to remain employed after 2 years. The evidence shows that our childcare policies work; childcare assistance helps low-income working mothers move from welfare to work.

Our commitment to childcare, however, has waned. The Federal contribution to childcare has remained frozen since 2002. And as a result of severe budget crises facing our States, the state contribution to childcare has significantly diminished. The use of TANF dollars for childcare has declined since 2001. Moreover, states have had to close budget gaps cumulatively totaling \$200 billion since FY 2001, and many States have cut assistance to childcare to close the budget gaps. According to the General Accounting Office, nearly one half of all States have made policy changes that reduce the availability of childcare subsidies, and 11 other States are proposing changes that will reduce current levels of spending on childcare.

According to the Congressional Budget Office, it will cost approximately \$4.5 billion in Federal funding just to maintain the current number of childcare slots for the next 5 years. If this amendment fails, it is estimated that more than 400,000 children would lose their childcare assistance.

Although CCDBG serves approximately 2 million children nationwide, we are only providing childcare to 12 percent of the eligible population. Further, due to State cuts, we are already seeing States reducing eligibility, lowering income limits, increasing waiting lists, lowering provider reimbursement rates, and increasing parent copayments.

For example, 15 States and the District of Columbia have reduced their eligibility limits, either lowering the eligibility cutoff based on poverty or restricting eligibility to TANF-only families. New Mexico has lowered eligibility for childcare, making the income cutoff lower than it was in 2000. These policy changes, of course, do not mean that low-income families are any less in need of childcare. It just means that without the childcare subsidy, it will be that much harder to afford quality childcare.

In New Mexico, there are almost 100,000 children in low-income families with all parents in the workforce. A family of three earning more than \$22,890 a year cannot qualify for childcare assistance in New Mexico, but at this income level they would be struggling just to cover their basic expenses. In Albuquerque, for example, annual costs for decent housing, \$7,008; food, \$4,212; transportation, \$1,932; health care, \$3,060; and other necessities such as telephone service, clothing, and household items, \$3,480 alone would total \$19,692, according to a study of basic family budgets. Paying for average-priced center care for an infant and a preschooler, \$10,408, would put this family \$7,210 over budget.

The cost of quality childcare is simply out of reach for too many working families. The quality of childcare has a significant effect on children's health and development and their readiness for school. Studies show that children who have traditionally been at risk of not doing well in school are affected more by the quality of care than other children. These children are more sensitive to the negative effects of poor childcare and receive greater benefits from higher quality care. Evidence demonstrates that children who attend higher quality childcare perform better on measures of cognitive development, such as math and language skills, as well as on behavioral development, such as thinking and attention, interactions with peers, and behavior skills. Yet, while low-income children are at greater risk, they are less likely to be able to access high-quality childcare.

Without adequate increases in funding for childcare, we are forcing our low-income mothers into impossible situations. This bill requires TANF recipients to work, yet fails to provide adequate childcare to support their efforts. The bill also fails to provide sufficient childcare funding to maintain childcare assistance for hundreds of thousands of working poor families. How can we expect low-income families to maintain independence and self-sufficiency, if we fail to provide them with the necessary supports—or worse, we take them away. For nearly 30 years, the evidence has been telling us that quality early care and education makes all the difference in the world in a child's readiness for school. Yet by failing to make quality childcare accessible to low-income families, we continue to wonder why all of our chil-

dren are not academically successful. Without adequate funding for childcare, we continue to leave hundreds of thousands of children behind.

I urge my colleagues to support this vital amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine has the last minute and a half.

Ms. SNOWE. Mr. President, I thank, again, Senator DODD for his being a champion over the years on behalf of children and families, and for making it possible that we are in the position of offering this amendment. I also thank the cosponsors and Chairman GRASSLEY for honoring his promise that we have a priority position in offering this amendment.

Ultimately, this amendment will determine whether families on welfare and their children will be able to achieve self-sufficiency, which was the goal of the Welfare Reform Act in 1996. That was an unprecedented success. This amendment will help build upon that success and help families to achieve the economic independence they and their families deserve.

Mr. President, I urge adoption of this amendment and I yield back the remainder of our time.

Mr. DODD. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. DODD. I 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 amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—78

Akaka	Cochran	Graham (SC)
Alexander	Coleman	Grassley
Baucus	Collins	Hagel
Bayh	Conrad	Harkin
Bennett	Corzine	Hatch
Biden	Daschle	Hollings
Bingaman	Dayton	Hutchison
Bond	DeWine	Inouye
Boxer	Dodd	Jeffords
Breaux	Dole	Johnson
Brownback	Dorgan	Kennedy
Bunning	Durbin	Kohl
Byrd	Edwards	Landrieu
Campbell	Feingold	Lautenberg
Cantwell	Feinstein	Leahy
Carper	Fitzgerald	Levin
Chafee	Frist	Lieberman
Clinton	Graham (FL)	Lincoln

Lugar	Reed	Snowe
McCain	Reid	Specter
Mikulski	Roberts	Stabenow
Murkowski	Rockefeller	Stevens
Murray	Sarbanes	Talent
Nelson (FL)	Schumer	Voinovich
Nelson (NE)	Shelby	Warner
Pryor	Smith	Wyden

NAYS—20

Allard	Ensign	Miller
Allen	Enzi	Nickles
Burns	Gregg	Santorum
Chambliss	Inhofe	Sessions
Cornyn	Kyl	Sununu
Craig	Lott	Thomas
Crapo	McConnell	

NOT VOTING—2

Domenici Kerry

The amendment (No. 2937) was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRIST).

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I may be witnessing a first to see our majority leader as the Presiding Officer at this moment. Welcome to the podium. We are pleased to have you there.

PERSONAL RESPONSIBILITY AND INDIVIDUAL DEVELOPMENT FOR EVERYONE ACT—Continued

Mr. CRAIG. Mr. President, we are debating welfare reform. It is critical to our country that we do this and revitalize it. It is a major piece of legislation that has been very successful over the years, getting people out of welfare into a productive job in our economy.

I don't know who the historian was who once said it. He was an economist and a historian. He said, The greatest form of welfare in the world is a good job in the private sector—we know that to be a fact—a good well-paying job.

When you cannot find that, welfare in our country is that safety net we have designed and defined for those who truly need it, but recognizing that it is not a place to stay; it is a place to catch you if you fall, to help you, and to provide for you and your family, but only in the temporary form so we can get people off of welfare and back out into the private sector and into a job.

In a few moments, the Senator from Massachusetts is going to talk about jobs and level of pay in those jobs. I thought for just a few moments it would be appropriate as we talk about welfare and as we talk about jobs and how much we pay for jobs as a minimum wage, that we ought to talk about job creation in this country and how critically important it is.

Some have said our recovery out of this recession has been jobless. Well, that is not true. A lot of jobs are being created out there, and a lot of people

are now going back to work—not as rapidly as we had hoped they would, but certainly they are headed back to work.

NATIONAL ENERGY POLICY

But there is a dark cloud over the horizon, and that dark cloud is there today because the Congress of the United States, and the Senate in particular, a year ago denied this country a new national energy policy and the ability to begin to produce energy, once again.

We are no longer energy independent. That one driving force we had in the economic matrix that said we could produce something for less—because we had the great ingenuity of the American workforce and because the input of energy was less than anywhere else in the world, so we could produce it better and we could produce it for less cost—is no longer true today.

If you went out this morning to refuel your car before you headed to work, you paid at an all-time high level of gas prices. Why? Because the Senate of the United States denied this country a national energy policy.

We know it is happening. We have seen it headed in that direction for over 7 years. Many of us have pled on this floor to develop that policy to get us back into production. But, no, we are not into production, we are not producing at a level we could be and we should be. We are not creating all the kinds of alternative fuels we ought to be. Why? Because we have not established a national energy policy in the last 8 years.

The world has changed a great deal. We are now over half dependent on foreign sources of oil. Of course, there are many who will rush to the floor and point a finger at OPEC or point a finger at the political turmoil in Venezuela and say: Well, that is their problem, and it is their fault we are paying higher energy prices. Or we will have that proverbial group that will run out and point their finger at big oil.

Why don't we point the finger at the Senate, for once, which has denied this country a national energy policy? The Senator from New Mexico was on the floor a few moments ago, Mr. BINGAMAN. He worked 2 years ago to get one. I helped him, and we could not quite get there.

Then the other Senator from New Mexico did produce a policy, and we passed it in a bipartisan way. It went to the House, and we conferenced it, and the House passed the conference. It came back here. It fell apart. It fell apart for one little reason or another, but the bottom line was the politics of it. The Senate of the United States has again denied the consumer and the working man and woman the right to have an energy source and a competitive energy price to go to work on, or to work with when they get to work, or to have for recreation, or to have to heat their home, or to have to turn the lights on in their house, and to illuminate and energize the computer they use.

The driving force of the economy of this country is not the politics of the street today; it is the politics of energy. It always has been. When we have competitive, moderate-to-low energy prices, the American worker can produce and compete with any workforce in the world. But today we are slowly but surely denying them that.

Natural gas is at an all-time high. Gas at the pump is at an all-time high. Electricity prices in many areas around this country are at an all-time high. The great tragedy is, many of those prices are artificially inflated because of the politics of the issue, because this Senate has denied the American worker and the American consumer a national energy policy.

Now, some say, well, the wealthy are going to get wealthy off of this. What about the poor? Has anybody ever calculated that high energy prices impact poor people more than any other segment in our society?

If you are a household with an average annual income of \$50,000, you only spend about 4 percent of your income on energy. But if you are a household with an income between \$10,000 and \$24,000, you spend 13 percent; you spend a higher proportion of your total income on energy. If you are a household of \$10,000 or less, or at about 130-plus percent of poverty, you spend almost 30 percent of everything you make on energy—whether it is the gas you put in your car, or the throwing of a switch to illuminate the light bulb in your ceiling, or the heat for your home.

High energy prices impact poor people more, and yet we will still hear these great allegations on the floor that somebody is going to get rich off of energy.

No. Poor people are going to get poorer with higher energy prices. That is the impact and the reality of the problems we face.

The United States is making do now with a lot less energy on a per capita basis. Some say: We can just conserve our way out of this situation. We are doing a very good job in conservation today than we did, let's say, 20 years ago.

Let me give you a figure or two. In the last three decades, the U.S. economy has grown 126 percent, but energy use has grown only 30 percent. In other words, as our economy grows today, as a rate of a unit of production, we use less energy. Why? Efficiencies, new technologies. But as we grow, we are still going to need more energy. So the old argument about conserving your way out—and, oh, my goodness, if I have heard it once on the Senate floor in the last 6 years, I have heard it 2 or 3 times, that automobile fuel consumption has dropped 60 percent in that 20-year period. And we ought to be proud of that.

That is partly a work of the Senate, but that is also the new technologies and efficiencies. Per capita oil consumption is down 20 percent since 1978.

Industrial energy use is down 20 percent since 1978. So the reality is, we have done well.

But if you want to create 800,000 new jobs, then it is going to take energy to produce them. Because it is energy that drives the great economy of our country. And when it is high-priced energy, then the jobs become high priced. When the jobs become high priced, then we worry about those jobs leaving the United States.

Why hasn't the Senate of the United States put this relatively simple formula together, that high-cost energy creates a less competitive environment in which we can produce. If we are going to talk welfare—and we are and we should; and we are going to reform it—and we are going to talk minimum wage, and there is no reason why we should not talk minimum wage—then we have to talk about the economy of creating jobs at the same time.

The production tax credit we are talking about for the energy field alone would create 150,000 new jobs. As I said, the bill we have in front of us—that should pass unanimously in this Senate, but it cannot get there—will create literally between 670,000 and 800,000 new jobs during the initial phases of the development of that kind of energy.

My message to the consumer today: If you do not like the price of your energy bill this winter, if you do not like the price of gas at your pump, if you are worried about your job because it may be going overseas, because your production is less competitive today, pick up the phone and call your Senator. Ask him or her why—ask us why—we did not pass a national energy bill. There is nothing wrong with doing that. Because we should have done that. We should have started down that road of getting ourselves back into the production. But, oh, no, we are bound up in the politics of this business, and somehow we just cannot get there. And try as we have for the last 5 years, in a bipartisan way, we have worked to do so.

We have a bill before us now that ought to receive a nearly resounding unanimous vote, but it failed in the Senate. Our failure means the jobs of America's working men and women are at risk, the household automobile is now much more expensive to operate, and you will probably want to turn your thermostat down next winter if gas prices continue to go as high as they appear to be going.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

AMENDMENT NO. 2945

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself and Senator KENNEDY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. KENNEDY, proposes an amendment numbered 2945.

Mrs. BOXER. 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 amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage)

At the appropriate place, insert the following:

SEC. . . . FAIR MINIMUM WAGE.

(a) **SHORT TITLE.**—This section may be cited as the "Fair Minimum Wage Act of 2004".

(b) **INCREASE IN THE MINIMUM WAGE.**—

(1) **IN GENERAL.**—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) \$5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

"(B) \$6.45 an hour, beginning 12 months after that 60th day; and

"(C) \$7.00 an hour, beginning 24 months after that 60th day;"

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) **APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**—

(1) **IN GENERAL.**—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) **TRANSITION.**—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) \$3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by \$0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Mrs. BOXER. Mr. President, I am pleased to offer this amendment with my colleague from Massachusetts who is the true leader on the issue of trying to raise the minimum wage so that people who are trying to get into the workforce, get off of welfare and subsidy, will be able to actually support their families so that we actually reward work, and it is going to make a huge difference.

Before I go into my remarks, I do want to, however, respond to my friend who spoke about how important it is to call your Senators and ask them to pass that Energy bill that we killed. I hope when you call us, you will tell us not to pass that one. That one was a travesty of justice for consumers. It was a terrible bill if you care about the environment. And it was a terrible bill if you believe that there is already too much corporate welfare because there were huge subsidies to the nuclear industry.

There were huge subsidies by way of giving a liability waiver to those companies that made MTBE, which destroyed drinking water supplies all over the country. The Senate was sending this bill over to a conference committee, and it comes back with this liability waiver. It is a terrible bill.

Yes, there are places we could drill in this country, where the folks want it there and the oil is there. Off the Gulf of Mexico, near Louisiana, certain places in Alaska, it makes sense. But it does not make sense to pass an Energy bill that is back to the future because it doesn't understand that times have changed and just a couple of extra miles of fuel economy and fuel efficiency in our automobiles can mean that we will have fields and fields of energy in the future.

The last point I want to make—and then I want to talk about this amendment which is important to this bill—is that on April 25 or thereabouts, taxpayers are funding a court case where DICK CHENEY, the Vice President, is refusing to reveal who came into his office when he put together an energy report and worked on an Energy bill. It is outrageous that taxpayers have to go all the way to the Supreme Court, essentially, because they are paying for the defense of DICK CHENEY, and he refuses to reveal who met with him about the Energy bill, what they talked about, and what their interests were. We know Enron was in that meeting. That much we know. But I don't know who else was there.

So I just wanted to answer the Senator from Wyoming, Mr. CRAIG, because in my view, we did a great service to the people by not passing that particular Energy bill. Let's pass an Energy bill that is a good Energy bill.

Now, I want to get to the amendment I sent to the desk on behalf of myself and Senator KENNEDY and lay the groundwork for why it is so important to this welfare reform bill.

The last time the Federal minimum wage was raised it was \$4.25 an hour. In 1996, it was raised to \$5.15. It was over a 2-year period. So that is 8 years ago; 8 years ago we raised the Federal minimum wage. Those people at the bottom of the economic ladder are living on \$10,700 a year.

I don't know if my colleagues are aware of what it costs to rent an apartment, if you have a family, and you are trying to raise a family on this amount of money. I guess you might be lucky, in my neck of the woods, to try and get some sort of an apartment for \$800 a month or \$850, if you could even find one. You can't find it around here, a decent size place. That would use up the entire salary of someone living on the minimum wage.

I say to my colleagues, please support this. How can we expect people to live on this amount of money, to be able to afford rent, food, the minimum requirements for raising a family?

Mr. REID. Will the Senator yield for a question?

Mrs. BOXER. I am happy to yield.

Mr. REID. It is true, is it not, that 60 percent of the people who draw the minimum wage are women?

Mrs. BOXER. The Senator is correct.

Mr. REID. And for 40 percent of those women, that is the only money they get for them and their families?

Mrs. BOXER. My friend is accurate.

Mr. REID. So this is an issue that doesn't relate to kids at McDonald's flipping hamburgers. It relates to people supporting their families. I greatly admire the Senator for being the lead person on this amendment dealing with the minimum wage that will affect families in Nevada and around the rest of the country. Is that not true?

Mrs. BOXER. That is absolutely true. In my State we have a minimum wage that is higher than the Federal minimum wage, but there is no question that the Federal minimum wage is a benchmark number.

A poverty rate for a family of three in our country today is \$15,607. And for a family of four, it is \$18,850. So, yes, if you are a single mom or a single dad and you are working at a minimum-wage job, you are making less than people who are considered to be in poverty. What a travesty.

And even if you have two workers working at the minimum wage, you would barely get out of the poverty range. So we are talking about a severe deficiency in compassion. These days, we hear a lot about compassionate conservatives. I have seen a conservative side. I want to see the compassionate side on this particular vote.

How can anyone believe it is fair to keep the minimum wage where it has been for 8 years? It is not fair.

We are talking about a bill that seeks to lift people out of the darkest, deepest economic hole. We want to start them on their way to being able to take care of themselves and their families. You cannot lift yourself out of a deep economic hole on a minimum-wage job.

As my friend from Nevada points out, we used to think of the minimum wage—when I was a kid it was 50 cents an hour, and the kids took the minimum-wage jobs. What I used to work at when I was a kid was 50 cents an hour.

I am showing my age. Maybe I shouldn't do that. But we didn't look at families who were surviving on that. Today we are looking at families who are surviving on the minimum wage.

We can be sure of one thing: If we don't lift the minimum wage, people may move off of welfare into the workforce, but they will not move out of poverty.

Studies have shown that between half and three-quarters of those who are leaving welfare remain poor for up to 3 years. The courage that it takes to train yourself for work, to get up every day and not even to be able to afford to pay the rent—this isn't right.

Some may say: Senator, these minimum-wage jobs are just starter jobs. They are just a few months.

Studies prove that you may be stuck in that job for 3 years, and that is just average. You may be stuck in that job for 6 years. With the economic circumstances of the last 3 years, where we have seen a loss of 3 million private sector jobs, it isn't as if you have a tremendous array of jobs out there.

What will our amendment do? Our amendment will increase the Federal minimum wage to \$7 an hour in three steps over 2 years and 2 months. It would raise the minimum wage from \$5.15 an hour today to \$5.85 an hour in 2 months, after enactment of this act, then to \$6.45 in another year, and then to \$7 a year after that. Even at that rate of \$7, you are barely able to survive. But at least we are moving the minimum wage toward a more livable wage.

Let me talk about California. My State stepped out and looked at the Federal minimum wage and said: This cannot be. This will not work in our State, where the rental costs are so high; where the food costs, even though we are the breadbasket of the world, are high; where the cost of transit is high. So in my State, the minimum wage today is \$6.75.

The States cannot do it alone. The Federal Government has to set the standard of compassion and fairness and make work an honorable endeavor.

The best social program is a job. I agree with that. I would much prefer that people work than not. But work has to be rewarded. You may ask: Senator BOXER, why does this bill matter since your State has a higher minimum wage of \$6.75? It is very clear. The Federal Government sets the floor for workers everywhere, and it is a guide to all States, including my State. Even a small increase to \$7 will help 393,000 workers in California, if California keeps the minimum wage at \$6.75.

Raising the minimum wage helps many more low-wage workers than just those earning the minimum wage because it does set the standard. You have heard that many cities and counties all over the country are casting what they call "livable wages," because they are looking at a minimum wage and realizing that it is really a sub-minimum wage; it isn't going to really work. Why not have a minimum wage that we can be proud of here? That is what Senator KENNEDY and I are trying to do today.

Let's look at what has happened in the area of poverty in our country. The poverty rate rose to 12.1 percent in America in 2002, from 11.7 percent in 2001. So this administration's economic policies, which caused the loss of so many private sector jobs, has seen an increase in poverty. And 1.7 million people have been added to the ranks of the poor, including many women and many children. You can be a compassionate conservative, a compassionate progressive, or a compassionate liberal, or anything you want to call yourself. Compassion is the name of the game. It will help our country. I will talk about that in a minute.

Let's look at what else has happened. First, you have 12.1 million children living in poverty today. In 2002, 34.6 million Americans were living in poverty. Think about that. I have 35 million people in my State, and 34 million Americans were in poverty in 2002. The whole State of California equals the number of people who were in poverty. That is an enormous number. My State, if it were a nation, would be the fifth largest in terms of its GDP. Imagine if every person in my State were in poverty. That is what we have. So we have 12 million children in poverty.

Let's look at something else. For the first time in many years, working Americans' wage growth is almost stagnant, while during the last term of the Clinton administration those wages grew. So what am I saying to you? We have seen an increase in poverty among women and children and families, we have seen an increase in the poverty rate, and we see wage growth that is almost stagnant.

From the end of 1996 to the end of 2000, full-time workers saw their usual weekly earnings grow faster than inflation, and those gains in real wages were evident for both higher and lower wage workers. In fact, the lowest earning 10 percent of the workers saw their wages increase 2 percent greater than inflation. So before the Bush administration, we saw this wonderful real wage growth—wages that were going up faster than inflation. In contrast, from the end of 2000 until the end of 2003, real weekly earnings for working-class Americans stagnated. The lowest 10 percent of American workers have seen their wages go up by 0.2 percent; whereas, before, they went up 2.1 percent. Now it is 0.2 percent. So people are working harder and they are just not getting ahead at all.

Again, whether we call ourselves conservatives, moderates, or liberals, that doesn't matter to me. I just think the word "compassion" comes into it. Also, a word that has to come into this—or two words—are "smart policy." Why is it smart policy? I will get into that.

One of the arguments you hear against raising the minimum wage—and you hear it every time—is don't raise the minimum wage because it is going to hurt employers. We have heard that since the very first day I was working in a minimum-wage job at 50 cents an hour. What if Congress in the past decided to just hold firm at 50 cents an hour? I am sure Senator KENNEDY heard the same arguments all those years ago, when people came to the floor and said 50 cents an hour is enough, and don't raise the minimum wage because it will be a burden to employers.

The truth is that we have seen in the history of the greatest country in the world, when you raise the minimum wage, everyone does better. Workers perform better. They are more productive. Business does better. They are more productive. Their profit margins go up. So let us not hear the same old,

same old, same old words from the past that, oh, it is a burden on everyone. No, it has proven to be an economic stimulus.

There is another theory I would like to test with my colleagues who have supported tax breaks for the wealthiest Americans. If you are a millionaire, you are going to get back \$120,000 a year. Think about that, folks. If you are a millionaire, under the Bush tax cut, you will get a cut in taxes of \$120,000 a year. A minimum-wage earner today, working full time, 8 hours a day, 6 or 7 days a week, earns \$10,800 a year. So my calculation is that this year's tax cut for millionaires is 11 times the yearly income of a full-time minimum-wage worker.

What are we doing? Why are we here? I admire the folks in the upper income brackets, and I happen to know a lot of them in California. Do you know what they say to me? They say: Senator, you make sure everyone is brought along. When everybody is brought along, we do better. First, we feel better about ourselves and our country, but we do better. Why do we do better? Because the people who will get this increase—the \$7 an hour—are going to spend that money in the economy. It is a no-brainer.

My colleagues can make every argument about how giving back \$120,000 a year to the wealthiest among us will stimulate the economy. They call it "trickle down." They love trickle down when it applies to the wealthy. Oh, give it to the wealthy; they will go out and spend it. The fact is, the wealthiest people already have the refrigerator or two; they already have the two homes or three; they already have the yachts. They already have what they need. They are not going to go out and spend it. They probably will sock it away.

The bottom line is, when a worker gets another couple of bucks in his pocket and has to support his or her family, they will go to the store on the corner and spend the money, and it is going to give a boost to this economy. So let us not say that trickle down only works when you give to the rich. Let's also admit that the fact is, when you give to the middle class—and that is what I support, middle-class tax cuts and tax cuts to the working poor—you are really going to drive consumer spending. We know that low-income workers and moderate-income workers put their earnings right back into this economy, and they don't even have time to think about it because they have to buy clothes for the kids and food for the table. They will spend 100 percent of that increase; whereas, the wealthier taxpayers are unlikely to put that windfall back into the consumer-driven economy.

To just sum up my remarks—and I know the Senator from Massachusetts is going to add mightily to these arguments—let me say this. We are doing a welfare bill. Everybody wants to see people get off welfare and go to work. Every one of us should also want to

make sure that when people get into the workforce and they work hard, their work is rewarded, their work means something, and they won't be stuck in poverty forever if they are stuck in a minimum-wage job.

Let us show not only our compassion, let us show our respect for work; let us show our understanding of economics.

I have a degree in economics. Granted, it was a long time ago. I was a stockbroker and it was a long time ago.

I know when you put money in the hands of people who need to spend it, it is going right back into the economy. This particular amendment has all the attributes we should all want to see. It will be a stimulus to the economy. It will get people out of poverty. It will set a standard for the rest of the States. It is fair, it is overdue, and the time is now.

I commend my colleague from Massachusetts. This is his initiative. He knows how much I care about this issue and is willing to share it with me. I am so honored to have my name associated with this amendment. I am very hopeful we can come together today and adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first, there is no doubt we are going to have a vote on minimum wage sometime, maybe on this bill or at least on some other bill. It is one thing to ask for an agreement to vote on a nongermane amendment—the majority party has the responsibility of getting work done, although we are cognizant of the fact we do not get anything done in this body if it is not bipartisan. We want to move this legislation along because it is so important to moving people out of poverty.

As I said yesterday, some are on the edge of society, out of sight and out of mind, if they are on welfare. They are never going to move out of poverty if they are on welfare.

As I said yesterday, and the Senator from Massachusetts misunderstood me, if you are ever going to move out of poverty, you have to be in the world of work. Being in the world of work does not automatically, even with an increase in the minimum wage, guarantee you are going to be out of poverty, but at least you have a chance of moving out of poverty; whereas on welfare you are destined to a lifetime of poverty.

We are interested in moving this legislation along, and it would help a little bit reaching some understanding of voting on these amendments if we knew we were going to get this bill done and help the people who need to be helped.

The point I want to make in regard to this amendment, and it is also in conjunction with the offering of nongermane amendments on other bills I have had before this Senate by the other party, is it seems to me they are

always missing the point. They are always getting the cart before the horse.

The bill before the Senate 2 weeks ago was a bipartisan bill that Senator BAUCUS and I worked out. It came out of our committee with all the Democrats supporting it. It encourages the creation of jobs in manufacturing by reducing the tax on manufacturing because that high tax on manufacturing is a disincentive to the creation of jobs. And it happens to be an incentive to outsourcing of jobs.

Also, because there is a tariff against some of our products going into Europe, this would eliminate that tariff so we could be competitive. OK, that legislation is a bipartisan approach to creating jobs in manufacturing. So what does the other party do? They offer an amendment dealing with overtime regulations.

They get the cart before the horse because the first thing we have to do is create jobs for people to get overtime. That legislation stalled because of nongermane amendments.

Now we have what is a legitimate subject of discussion—but somewhere else—increasing the minimum wage. That has been a legitimate point of discussion since the 1920s, and it has been the law in this country since 1938. Nobody denies that is a worthy subject of discussion. Again, another example of getting the cart before the horse is that we are talking about getting people who are on welfare, not working, a job. Let's get them in the world of work.

We have Members on the other side of the aisle stalling this legislation with nongermane amendments.

We have to put the priorities where the priorities ought to be: to help people get jobs and keep jobs so that all these other issues that are coming up will be applicable to more workers.

I am going to address for a short time this issue of the situation of people on welfare and our opportunities to move them to work to emphasize the success of that program in the legislation we have had on the books since 1996 and to see if we cannot improve that legislation in the bill that is before the Senate and move forward with another 8 years of success of moving people from welfare to work, giving them an opportunity to move up the economic ladder.

The families who go on welfare are, obviously, very vulnerable and fragile families. They not only need a job, but they need support in moving from welfare to work. We are not going to dump them out in the cold cruel world of work. Legislation that is already on the books and is going to be improved by this bill is going to enhance their support. We have already demonstrated that with one overwhelming vote on more money for childcare. I have heard that a long time from that side of the aisle, as we have heard from a lot of Republicans. One would think they would want to pass this legislation to give people on welfare who are moving

into work the support they need to get there. This legislation does it. But the shenanigans on the other side with nongermane amendments are holding that up.

The average family on welfare has two children, and that average family is headed by a young woman. Most of these families are African American or Hispanic. Half of these families have a child under the age of 6, and we take into consideration in this legislation specific needs of families with children under 6.

The women who head these families are desperately poor. That is what welfare does for people, it keeps them in poverty. These women who have these families, besides being desperately poor and, contrary to the way the argument over minimum wage was characterized, they are not working. That is why it is so important to get this legislation passed before you worry about minimum wage because we have to give them the support so they can get out there in the world of work so they can get the minimum wage in the first place.

States are reporting to us that the majority of adults on welfare are not doing anything. In other words, they are not working and maybe not doing anything that will lead to work, as we are trying to help them do through this infrastructure of support, of helping with job training and education, with substance abuse and other problems families might have because it is quite obvious in the world of welfare, it is not a way to achieve self-sufficiency. Many of these adult recipients are not ready for full-time work, so discussions about working 40 hours do not really apply to this population. In fact, for a while the argument over welfare reform focused on President Bush's proposal to require adult recipients on welfare to be engaged in work activities for 40 hours a week. That outraged my Democratic colleagues, that the administration would propose raising the hours of activity, including work, to 40 hours. Just as if out there in the world of work it isn't assumed, not anything less than 40 hours a week, for the most part. So it is somewhat ironic that we are here discussing a 40-hour work week scenario because, as I said, most of these adults on welfare are not working at all and if they are working they are surely not working full time.

These are adults, and again they are mainly women, with multiple and often coexisting barriers to work. They may be the victims of domestic abuse. They may have substance abuse problems. Add all that together and you have people who need services that this legislation provides to get them ready to go to work. So you worry about this person. Are they getting a minimum wage at this level or at that level? That is why this discussion over minimum wage is just a little confusing to me, as legitimate as it is for Congress to discuss the minimum wage, because we have set the minimum wage since

1938. But in connection with these people, they oftentimes are not earning any wage. But they are people who need services if they are ever going to get that job.

I am hopeful we will be able to work something out on minimum wage, and that we can complete our work on this welfare bill. I think people on the other side of the aisle, if they could indicate to us finality on this legislation, there can be some accommodation. Because families in need are waiting for us to get this done. It is a very successful program that started in 1996 and we need to continue it. This legislation fine-tunes it; it improves it; it strengthens it. We spend more money to do a better job of support for people who need to go to work.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Montana.

Mr. BAUCUS. Mr. President, I see the Senator from Massachusetts, who would like to speak on this amendment. I will be very brief.

The chairman of the committee is a good friend of mine. We have worked very closely together on most legislation. This is one bill where we are not working together as closely because we have somewhat different points of view.

I appreciate the chairman's view that this side of the aisle is attempting to drag things out a little bit. The fact is, our side is willing to have a vote on this amendment and on other amendments. We will enter time agreements. There is no attempt to delay at all. In fact, when I was sitting here yesterday I think the Senator from Massachusetts suggested 20 minutes for a time agreement. That is, he would agree to a vote in 20 minutes. I am not going to put words in the mouth of the good Senator as to how many minutes he would like in the time agreement now, but the point is we are willing to have votes and to vote very quickly on all these amendments. We are not holding up anything.

It is also interesting to note when this welfare reform bill came up for debate in 1995, there were 40 recorded votes on the floor. I think we have had one thus far in the reauthorization debate. I think better legislation results when amendments are offered, when they are debated, and when they are voted on. This way, Senators can decide whether they want to vote for or against a particular amendment.

The Senator from Iowa and myself work very closely, as I said. But I want to make the record clear that there is nobody on this side holding up passage of this bill in any way. We are willing to enter into time agreements on any amendments that may be offered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first I thank my good friend from California, Senator BOXER, for offering this amendment. It is one I feel strongly

about and support strongly. I thank our ranking leader on the Finance Committee, Senator BAUCUS, for his support. I will make a brief comment to my friend, and he is my friend, the chairman of the Finance Committee, about his concerns and objections to considering the minimum-wage increase on this bill that is an attempt to move people off welfare into work.

In reviewing the legislation that is before us, I would like to direct the chairman and those Members of the Senate who feel this amendment is not relevant to the underlying bill, page 4 of the committee's report where we have the Secretary, Tommy Thompson, talking about:

The most humane social program is a healthy and independent family that has a capacity and ability to have a good, paying job.

This is the Secretary of HHS testifying in favor of the overall legislation. He is talking about having a good-paying job.

We know a minimum wage job today is not a good-paying job. The Boxer-Kennedy amendment will make it closer to a good-paying job.

Then it continues, on page 12, the reason for change:

The Committee bill provides for States to continue their successful efforts to move welfare recipients into good jobs.

What are good jobs? The minimum wage jobs at \$5.15 or the jobs at \$7 an hour? States have directed considerable resources into moving welfare recipients into meaningful employment. That is what we are talking about, meaningful employment. This is what the Secretary of HHS said. This is the reason for change in the committee bill. That is what it is all about.

Then continue on to page 21:

The Committee bill recognizes the success received by TANF and the Work First programs are a result of a sustained emphasis on adult attachment to the workforce.

"Attachment to the workforce" means having a paycheck, a decent job.

I believe this legislation is directly relevant to the underlying theme of the legislation. But I say to my friend from Iowa, if he wants to give me a time agreement on a separate bill and give us the assurance we will be able to consider it by the first of May, as an independent bill here on the floor of the Senate, with a time limit, I would be glad to urge my friend and colleague from California to withdraw the amendment and take that, if that is agreeable to the Senator. We are not trying to hold the bill down.

I will propose a time limit on my amendment. It is now 10 after 3. I propose unanimous consent that we vote on this amendment at 3:30.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. That is in another 20 minutes. The point has been made about how this legislation is slowing

the bill down. We indicated we are prepared to vote, at least in 20 minutes, on this legislation. We were prepared yesterday to vote on it. The problem is, it has been now 7 years, 7 years where we have been denied the right to vote on it.

Mrs. BOXER. Will the Senator yield?

Mr. KENNEDY. I yield to the Senator.

Mrs. BOXER. I am sure the Senator would be happy to agree to a 5-minute limit. The Senator from Iowa gets up and says this is a noble thing to raise the minimum wage, but you are holding up the welfare bill.

We will vote on this in 60 seconds from now. The American people are for this. Does my friend agree the American people are fairminded and for this?

Mr. KENNEDY. The Senator is correct. The American people understand fairness. They believe if you work 40 hours a week, 52 weeks of the year, you should not have to live in poverty in the richest country in the world. The American people understand that is basically what we are talking about, fairness and respect for people who are doing a day's work. The American people are overwhelmingly in favor of an increase in the minimum wage, and for actually a good deal higher wage than the one we are proposing.

Mrs. BOXER. Mr. President, will my friend yield for another question?

Mr. KENNEDY. Yes.

Mrs. BOXER. We are charged with giving pay increases to the Federal workforce. We do it every year, do we not?

Mr. KENNEDY. The Senator is absolutely correct.

Mrs. BOXER. Our colleagues accept it. I do not know of anyone who does not accept the automatic adjustment in their pay.

Mr. KENNEDY. The Senator is correct.

Mrs. BOXER. Does the Senator not think it is an outrage? We work hard and we make a decent living. We get an automatic cost-of-living adjustment unless we stop it. Yet the same people who take a cost-of-living adjustment for themselves won't give a small increase to the people at the bottom of the ladder who are trying so hard to make something of themselves and rise above problems, illness, and poverty—sometimes for generations—and want to be able to get into the workforce.

My colleague says Tommy Thompson says it is important that these be good jobs. I wonder if any of our colleagues could live on \$10,800 a year. I do not think they could. I do not think so.

Mr. KENNEDY. I thank the Senator for her comments.

I want to point out a few facts on the increase in the minimum wage.

This is the second longest period in the history of the minimum wage that Congress has ignored the plight of low-wage earners. The first time President Bush signed a minimum wage increase was in 1989. That was after 12 years of

inaction. It has been 7 years since the last increase. It is long past time for Congress to prioritize the lowest workers.

Let me give you a chart that makes the point which the Senator from California and I have tried to make over a period of time in this debate. Here we have people who are working hard but losing ground with the real value of the minimum wage. If we were to take effectively the year 2000 and use that as the equivalent, the minimum wage in 1966 would have been \$8.50. Even though now at \$5.15 an hour, its purchasing power using 2000 dollars would be \$4.98, which would be one the lowest levels it has been in the history of the minimum wage unless we increase it. Even going up to \$7, it will still be lower than it was from 1968 until 1980, a period of some 12 years. This is a very modest increase without which we will reach the bottom in terms of real purchasing power.

Let us take another indicator in terms of what the minimum wage is in relationship to a family of three. This is the red line representing what the poverty line has been, and that is for a family of three earning slightly below \$16,000. This is the poverty. This represents the value of the minimum wage which we show for a family of three—well below the poverty line.

Let us ask ourselves, What about those people receiving the minimum wage? Are they working? If we go from 1979 to the year 2000 and look at the minimum wage—this is the bottom 40 percent of U.S. family income—we find these workers in the bottom 40 percent are working more than 400 hours. The average worker in this country is working longer than any other industrial nation in the world. These are hard-working people who are trying to make do the best they can.

We find African Americans are working even longer and harder. Hispanics are working even longer and harder. These are minimum wage workers in the bottom percentile. They are working long and working hard trying to make ends meet. And they can't do it.

We have seen over the period of the last 3 years the increase in the number of people who are living in poverty. It was 31 million in the year 2000. In 2002, it is more than 34 million. There is a direct result of this administration's economic policy. Three million more Americans are living in poverty. That represents today more than 34 million people living in poverty, including 12 million children. More than 400,000 children today are living in poverty compared to the year 2000. We have had no increase in the minimum wage. We are trying to do something about it.

This bill does nothing in terms of raising the income of some of these families. This proposal will make a difference in terms of income.

We will probably have those come on the floor as they usually do and say, Senator, this is very interesting, but we know if we raise the minimum wage

we are going to see the result of increasing unemployment. There will be two reasons in opposition. I have been debating minimum wage increases since I have been in the Senate. These are the two standard ones.

First they say if you raise the minimum wage, we will see an increase in unemployment. That is not true. We can show it. I will reference the figures.

Second, the last issue is inflation. I will address that quickly because I want to get to the real issue; that is, what is happening to these families who are living in poverty. That is the real issue; particularly what is happening to the children who are living in poverty.

That is the real issue. What is happening to them in terms of hunger is the real issue. Let us get rid of these issues quickly; that is, increasing the minimum wage does not cause unemployment. We increased it in September 1996, and we increased it in 1997.

This red column is where unemployment was in January of 1998. That is obviously almost 2 years after the increase in 1996 and a few months after the increase in 1997. These are fairly significant figures in terms of unemployment.

Look at the national figure—5.2 percent in 1996, 4.7 percent in 1997, and 4.7 in 1998. That is exactly the same 4.7 percent. That is after the last increase in the minimum wage.

It was true among African Americans.

You will hear the argument: That is fine, generally, but the Senator and Senator BOXER don't understand this has a particular adverse impact on African Americans. That is not true. This chart shows, looking back to 1996 and the last major increases, unemployment virtually remained stable. That is true with regard to the Hispanics and it is true with regard to teens. Let us dismiss that argument in terms of unemployment.

The other issue they will raise is, Well, this increase in the minimum wage is going to be an inflator in terms of our economy.

Listen to this: This increase in the minimum wage represents less than one-fifth of 1 percent of wages of all workers in the country. Inflator? I hope they are going to have a better argument than that. They can't make the argument, although they will try. They will say: Add that increase to minimum wage and you will get inflation; and, think of all the people who will pay with inflation. You will increase unemployment among minorities. All of those arguments have been answered in spades. There is no economic argument in opposition to this unless you are trying to squeeze these workers even harder in order to try and exploit them even further.

I will point out the real issue and its impact on the most vulnerable population. We know today that America's children are more likely to live in poverty than Americans in any other age

group. The U.S. child poverty rate is substantially higher, two to three times higher, than that of most other major western industrial nations. Isn't that a fine situation?

Mr. SANTORUM. Will the Senator yield?

Mr. KENNEDY. I will be happy to yield. After 5 or 6 minutes more of my presentation, I will be glad to yield for questions.

The child poverty rate is substantially higher, two to three times higher than most other western industrial nations. Reducing child poverty is one of the best investments Americans can make in their Nation's future.

More children will enter school ready to learn; we will have more successful schools; there will be fewer school dropouts; we will have better child health with less strain on the hospitals and public health systems; we will have less stress on the juvenile justice system; we will have less child hunger and malnutrition.

The fact is, the number of children living in poverty and the number of children going hungry every single day has increased significantly over the period of the last 3 years.

The bottom line is, 3 million children have parents who would benefit from a minimum wage increase. We have an opportunity to do something about the 12 million American children living in poverty and the 400,000 children more living in poverty today than were living in poverty 2 years ago. We can make a difference because so many of these children are living in families with minimum wage earnings. That is the issue.

We hear the arguments on the other side, and we can answer those in terms of inflation and unemployment. Those questions have been answered. I will not take the time unless we are challenged on the issues, including historical unemployment figures and all the rest.

This is about children. It is about women. As I mentioned, and then I will yield to my friend from Pennsylvania, this issue is about women because 61 percent of those who earn the minimum wage are women. It is about children. We know that 3 million children live in families whose parent is working in a minimum wage job. So it is about women and children. It is about civil rights because a great number of these minimum wage workers are men and women of color. It is about fairness because Americans understand if you want to work 40 hours a week and can work 40 hours a week, 52 weeks a year, you should not have to live in poverty. Americans understand that.

The final point I make, these minimum wage workers are men and women of dignity and pride. Too often around here we say: Minimum wage workers, we have other things to do. These are some of the hardest working, most decent men and women we have in this country, who take a sense of pride in the work they do, which is me-

nial, tough, repetitive work—cleaning out the buildings of American industry, also working as assistants to teachers, working in nursing homes, looking after the elderly people of this country. This is hard, difficult, challenging work, but they take a sense of pride in it.

We have refused to increase the minimum wage now for 7 years. As I have pointed out, this chart shows the history of the increases in the minimum wage. It is not a partisan matter. Going back to 1938, we have the increases under President Roosevelt and President Truman. President Eisenhower increased the minimum wage in 1955. President Kennedy did it in 1961; Lyndon Johnson in 1966; President Ford did it in 1974 three different times, for 1974, 1975, and 1976. President Ford, a Republican, did it. President Carter, in 1977; President Bush I did it in 1989; President Clinton in 1996.

This has been a bipartisan effort. That is why it is so difficult for many to understand why those on the other side have refused the opportunity to even get a vote. I welcome the chance that we will have this time to get a vote.

I point out, and then I will yield to the Senator from Pennsylvania, what moving up to \$7 an hour means to a family earning the minimum wage. It is the equivalent of 2 years of childcare. It is more than 2 years of health care for that family. It is full tuition for a community college degree. It is a year and a half of heat and electricity. It is more than a year of groceries, and more than 9 months of rent. It is real money for real people who are working hard, playing by the rules, and are waiting for this body to take some action.

I yield the floor.

Mr. SANTORUM. Mr. President, I think the Senator from Massachusetts makes an important point about what we should be doing to reduce poverty.

The Senator from Massachusetts made statements that increasing the minimum wage has an impact on child poverty. I have not seen a chart that indicates that. If the Senator could put up the chart when the minimum wage increases went into effect, my question is—we are on the welfare reform bill. This welfare reform bill has had a dramatic impact on child poverty. In fact, if you look at the chart, it shows the increases in the minimum wage—I will have a chart that compares with that; we have dueling charts that work in concert. The Senator shows where the minimum wage was at very high levels that happened to be in about this area. I am using Black child poverty, but obviously that is the worst case scenario. During the highest level of poverty among African Americans, we had a high minimum wage.

All throughout this time—in fact, as you suggested, the minimum wage actually came down in real value—what else came down? The rate of Black child poverty.

Now, I would not suggest that the minimum wage was necessarily tied to that. What I would suggest is what happened was a fundamental change in welfare policy that started in the mid-1990s and accelerated in 1996 by the Federal Government and has resulted in a huge decline in poverty, irrespective of what the minimum wage is.

I make the argument that if the Senator wants to do something about helping child poverty, we should pass this welfare bill. Maybe there is a time and place to have the argument with respect to minimum wage, but I do not believe the evidence supports that increasing the minimum wage has any discernible impact on the poverty level, certainly among African American children and, I argue, across the board among children in general.

Finally, the point I want to make, since—

Mr. KENNEDY. Is that a question? I am about to yield the floor generally, if you could get to the question. What is the question? I would be glad to answer.

Mr. SANTORUM. I thank the Senator. I want to make the point in the last 10 years, the child poverty rate has declined almost 30 percent. During that time there was one increase in the minimum wage, but there was a dramatic change in welfare.

I ask the Senator, does he have any information that shows that the minimum wage actually does result in a decrease in child poverty? I think I have very conclusive evidence that changes in welfare policy have a dramatic impact on the reductions in child poverty.

Mr. KENNEDY. Mr. President, the fact is self-evident and should be to all Members. We do not need charts. If you are making \$5.50 an hour and you are the principal bread winner in the family with a child, that child will live in poverty. You can have all the charts in the world, but that is self-evident. That ought to be a given.

We do not have to dispute that. I hope we would not have to dispute that. Those are the hard, difficult facts.

The issues about the variance in terms of child poverty, obviously, when we have the dramatic expansion as during the period of the 1990s under President Clinton, we saw the creation of 22 million jobs. We saw that spill over into a reduction of child poverty. That is the answer. The fact is we have not seen that.

In the last 3 years, we have seen a growth in poverty in the total number of people who are living in poverty, including children, because we have lost 3 million jobs—effectively maybe 2 million overall—but 2 million jobs. The fact is, the new jobs that are being created are paying about 25 percent less than those they are replacing.

With all respect to the Senator, the idea that at \$5.15 an hour when you have a child or two children they are not going to be living in poverty escapes me completely. I do not think we

need any chart to show that. That is fairly self-evident.

I do not know what the situation is in Pennsylvania, but I do know in the other States I have visited in recent times, people cannot make it. At \$5.15 an hour, how is a parent going to be able to go out and rent an apartment and provide food for their children? That does not make sense.

The fact is, almost half of the new jobs that were being created for those who have moved off welfare now have disappeared. That is a different issue, and we could debate that, and I would be glad to. That is not what this amendment is about.

This amendment is relevant to the underlying issue. As I have raised before with Secretary Thompson, the purpose of this bill is to try to get people into somewhat decent jobs.

We raised this over 2½ years, up to \$7 an hour, almost a living wage. We think in this country, at this time, this is something that is called for, and we are prepared to move ahead with it.

I see the manager on this bill. We can either take some more time or we can try to move toward whatever outcome the floor managers would want. If we want some additional debate on it, we are glad to do so. But if you want to move toward a conclusion of it, we are glad to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I believe the Senator from Massachusetts is insincere about moving forward on both this minimum wage increase as well as moving forward on this bill. I will offer a unanimous consent request to do just that.

Mr. President, I ask unanimous consent that tomorrow morning, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to back-to-back votes, first in relation to a Republican minimum wage amendment, to be followed by a vote in relation to the Boxer amendment, with no second degrees in order to either amendment; provided further that the bill then be limited to germane amendments, and at 9:30 a.m., on Thursday, April 1, the substitute amendment be agreed to, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate. Finally, I ask consent that following passage of the bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Before the Senator from Massachusetts comments on this request, I would suggest what this unanimous consent request says is the Senator from Massachusetts will have a vote on his amendment, the Republicans will have a vote on a side-by-side amendment, we will go to final passage on this bill, with germane amendments being offered and voted on in between

that time; and after passage of the bill, this bill will go to conference, and we will have an opportunity for the House and the Senate to work their will and to actually get this welfare reauthorization passed for another 6-year period.

So if the Senator from Massachusetts is sincere about getting the minimum wage increase voted on here in the Senate, and not holding up this piece of legislation, I would hope he would be willing to accept this unanimous consent request.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for commenting on my sincerity because I indicated yesterday I was interested in a 15-minute time limitation on this amendment, and it was objected to by the Senator from Iowa. We indicated we were willing to vote at 3:30 today, and it was objected to.

So now the Senator, if he wants to amend that request—since these are directly related to the issues of employment—to include an amendment with a 1-hour time limitation on the issue of overtime, an amendment with a 1-hour time limitation in terms of unemployment compensation, and then to have relevant amendments and time limitations on those amendments of up to an hour, I would not object to that.

So, Mr. President, I object, and I offer a unanimous consent request along the lines I mentioned.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the modified unanimous consent request of the Senator from Massachusetts?

Mr. SANTORUM. Mr. President, I think it goes to state the case that the Senator from Massachusetts, in offering these other ideas, is in fact not interested in the Senate working its will on welfare reform, which is the bill before us, but bringing the political motives and debates that are surrounding the Presidential campaigns here on the floor of the Senate, and to have sort of “message theme” amendments on a very serious piece of legislation that needs to be passed to create opportunities so this line on this chart can continue to go down.

Because what we have with the welfare reform reauthorization bill is something that is going to continue to move people out of poverty, to create better opportunities for work. What the Senator from Massachusetts is suggesting is, instead of that, we are going to extend unemployment benefits. What we need to do is create better incentives and better education, training, and an enormous amount of childcare to help people go to work, not extend unemployment benefits.

Again, we are in this situation where the Senator from Massachusetts said: Well, if we just do this. Now it is: Well, you need to do this, and this, and then this. The bottom line is, we have a lot

of substantive debate that can and should occur on this legislation. If there are relevant amendments, we would be happy to debate them. But the amendments the Senator from Massachusetts now wants to bring in are not relevant, and, therefore, I have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I would like to spend a few minutes talking about this bill and the importance of why we need to move to the passage of it.

The Senator put up his chart of minimum wage increases. I voted for those minimum wage increases. I would vote for a minimum wage increase in the next 10 minutes if we could have gotten that agreement. I would have been happy to vote on a side by side, and I would have supported Senator MCCONNELL's amendment, which would have raised the minimum wage, and would have raised it by over a dollar over the next couple of years.

I think it is important that we talk about this issue. But I think the most important thing we can do for the poor in America—and I found it remarkable the Senator from Massachusetts can look at his chart, that shows the minimum wage at very high levels in real dollars, during a time when child poverty, and particularly African-American poverty, has been at its highest and he says it only makes sense if you have high minimum wage, you are going to have low poverty rates.

Tell the people living during this time who were experiencing high poverty rates how much sense it made. Because in reality it made no sense because it was not happening. A high minimum wage does not guarantee low poverty. What, in many cases, a high minimum wage guarantees is unemployment and very high rates of poverty.

What we have is a situation where we had higher rates of the minimum wage. We also had a welfare system that was debilitating on the poor, designed by the very same people who think the minimum wage is the answer to poverty.

It is the same economic team, folks, which believes Government micromanaging of every person's life and business in America is the way to make sure everybody achieves. Guess what. It did not work. It did not work. What worked? Work. Yes, what every American knows. But there is a common-sense deficit in this city. What every American knows, as common sense, that work works to improve people's economic status in life, has been lost here in the Senate, was lost for many years when it came to the issue of poverty in America.

And, oh, I remember, sitting in the chair where Senator GRASSLEY sits today, and sitting in this chair at times in 1995 and 1996, when scores of

Members who designed the welfare system in the 1960s and 1970s, who designed the minimum wage increases in the 1960s and 1970s, who said that was the answer to solving poverty in America, that was the answer to solving poverty in America, came to the floor and said: How dare you. How dare you suggest we require people to work. How dare you suggest we put a time limit—a time limit—on people on welfare. Don't you understand? These people are poor. That is a disability greater than any other disability people encounter in life—at least if you listen to the other side, that is what you would think they were saying.

President Bush uses the term “the soft bigotry of low expectations.” There was no soft bigotry. This was hard bigotry of low expectations. If you were poor, you needed our help, you needed Government to give you dollars, you needed Government to raise your wages. And that was going to solve the poverty problems in America. It did not work. What worked? Work.

Here we are in the Senate Chamber. I find it absolutely ironic. We have Senator GRASSLEY standing up for the new war on poverty, his bill out of committee, increasing the work requirement, yes, increasing support for women who are trying to get work, including daycare and other services. On the other side we have, no, we need the Government to fix the economy and raise the minimum wage. It is a classic difference in the perspective of what the role of Government should be. We stand here today and say, you can debate all you want about the minimum wage. I am not suggesting it is a bad thing, but it is not a panacea. It bears no relationship historically to reductions in poverty. Why? Because most of the people who get the minimum wage jobs, as the Senator from Iowa said, in the past are not heads of households; they are teenagers, many of whom are in very wealthy homes. That is who we are helping with minimum wage increases primarily. We are helping some others, but if you really want to help those who have not had the chances economically, if you really want to lift people out of poverty, then work and developing and nurturing a system that encourages people to get their lives together and to get into the workplace to achieve is the answer. That is what this bill does, and more.

That is why I am so excited about this bill because we have found out that, yes, work works. This is the lowest rate of African-American child poverty ever recorded in America. By the way, in the last year, 2002 and 2003, yes, because of the recession, black poverty among children went up, but very slightly, 1 or 2 percent, during a time of a lot of job loss.

If you look at the other statistics, for example, one that probably mirrors this, as far as high rates of poverty, had to do with single mothers never married. What we saw was single mothers never married, historically the rate

of employment among single never-married mothers was around 40 to 42 percent historically. It was an intractable problem that people said could never be fixed. Then we passed the welfare reform bill in 1996. Now 63 percent of single, never-married mothers are employed.

That is remarkable to see those kinds of dynamic shifts. By the way, that number has not changed in the last 2 years. The employment levels have remained the same as they have basically within the welfare system.

The Senator from Massachusetts has said things have been terrible the last few years in the job market and people in poverty have been hurt. The bottom line is, the welfare rolls continue to be low. They have not shot back up.

In fact, I was reading an editorial from a paper I generally don't read editorials from, my hometown paper—not necessarily fond of me. They happened to write a lucid editorial, sort of the blind squirrel phenomenon. They wrote an editorial in the Pittsburgh Post Gazette, “Shrinking Welfare, the Statistical Mystery of a Smaller Dole.” They comment on the fact that here we are, during 3 years where there has not been dramatic job growth, and yet the welfare rolls are not going back. They were sort of at a quandary as to why.

They say: Although welfare reform still has problems, single mothers often have considerable difficulty obtaining childcare—after we passed now \$7 billion; we have over doubled the amount of daycare that is going to be available under this bill—these numbers suggest it is working.

The numbers suggest welfare is working. For whatever reason—gosh, I can't imagine; it is again another common-sense deficit—more people are trying to do for themselves instead of asking government to do for them.

Go figure. Let me repeat this. For whatever reason, more people are trying to do for themselves instead of asking government to do for them. Even if the experts can't explain it, they conclude that is a good thing.

Do you know what. That is a good thing, what we did in 1996, despite the protestations, despite the charts with pictures of people standing in bread lines, sleeping on grates, of just absolutely cataclysmic predictions of what would happen to rates of poverty, which were around this level at the time, we had projections that black poverty among children would skyrocket, that women would be thrown off welfare and not be able to raise their children, that we would have dramatic changes and riots in our poorest neighborhoods because of this welfare reform proposal that was being put forward. I will read some of my colleagues' predictions of what would happen to poverty.

Guess what. They were wrong. Those of us who stood here and said, have faith in the poor in America that they, too, want a better life for themselves and their children, and they are willing

to work for it, if given the incentives and the opportunity to do so, if given the tools to make work work, they, too, will pursue the American dream, we had faith in them. Too many others have faith only in the government to take care of them.

Having talked to numerous people who have been on welfare—in fact, in my office in my State, I have hired nine people from the welfare rolls. They have worked through all the problems, and there are problems in someone transitioning off of welfare. I can tell you that every single one thanked me for having faith in them, thanked me for passing a bill that didn't say that we needed the government to be there to protect them and keep them in poverty and dependent upon it, but trusted them that, if given the tools, that they, too, could take care of their family and feel better about it every day, knowing full well it would be a struggle and continues to be a struggle.

But there is honor in the struggle to provide for your family. There is honor. There is dignity. There is character in struggling to provide for you and your family.

Millions of women—predominantly women; welfare is predominantly a woman's program, a single-mother program—have courageously gone out and fought for their families because we gave them the tools and incentive to do so. They have changed their lives for the better, and they have given their children a hope, a model that they can build a life on, that they can build on the success of their mother who overcame addiction.

A young woman spoke to our Republican conference this morning from here in DC, incarcerated many times, addicted, so bad that she lost her three children to foster care. Then welfare reform came around, made her go to work. And today she has her three children back.

She not only got a job, she now has a small business where she employs four people in town. She didn't do it with an SBA loan or any Government help at all; she saved a little money and started her own business. In the last 6 months, she got married. You have to believe in people. You have to believe that poverty is not the ultimate disabler.

That is why this bill is so important. That is why this bill has to be passed, because we have 28 States right now, where all of the requirements that we have put on the States to have work programs, to get people transitioned off of the rolls, to provide the support services to transition people into the economic mainstream in 28 States—that incentive is now gone. So in 28 States in America, we are back to the old AFDC days. That will have an impact.

Let me tell you what one of the reasons is I am so excited about this bill. It is the next step in welfare. We knew—those of us who helped design

the 1996 act—this was the first step, that work was the most important thing. There were other important things, but we understood work was the central focus. But there were other causes and concerns we wanted to deal with.

Senator GRASSLEY had this chart up. It is a chart by Haskins and Sawhill. They are from the Brookings Institute. I think even the Senator from Massachusetts would admit that the Brookings Institute is not a conservative think tank. It is seen as the left-leaning think tank in town—or one of them. Elizabeth Sawhill is a former Clinton poverty expert. Ron Haskins happens to be—I don't know how he got in there—he is a fairly conservative guy. We have our differences. Anyway, Ron and Elizabeth worked together on this. This is a peer-reviewed study that isolates factors of poverty. This is the official poverty rate, 13 percent. Remember what we said back in 1996: Work works. You have to get people into work. That is the best cure for poverty, the best way to turn your life around. That is the best medicine for children—to see mom get up every day and go to work, instead of receiving a welfare check. Guess what. It works. With full-time work, poverty rates go down to 7.5 percent.

The other thing this bill does is understand we have to keep this and, in fact, improve upon it. We are going to increase the work requirement by 20 percent. Interestingly enough, we increased the amount of daycare by 100 percent. So this is, again, Washington logic. We are going to require people to work 20 percent more, so we need 100 percent in daycare to pay for that. Nevertheless, there are other factors involved that reduce poverty.

Marriage. The President's initiative is, again, common sense. It is an understanding that the poverty rates are lower among married couples than they are among single heads of households. So one of the things the President wanted to do with his marriage initiative is to create at least a positive or nurturing atmosphere for couples who enter the welfare system with the intention of getting married to actually get married and raise a family.

There was a study done by a professor at Princeton that asked the question upon paternity establishment: Are you in a relationship? What I mean by paternity establishment is that most States figured out the best time to establish who the father of the child is in a hospital; so most States have adopted that as a way of establishing who the father is, and then using that to get the father to pay child support. That was something that was a very big contentious point in the welfare bill of 1996. We required paternity establishment in the States, that they have an active program to find out who these fathers were. This was the whole deadbeat dad issue and the fact that there were enormous amounts of uncollected child support. So we did a whole

lot of things on child support enforcement and paternity establishment because there was a huge number of women on welfare who either refused to, or don't, for whatever reason, identify the father of the child. From my perspective, to try to get the father involved in the child's life, I thought paternity establishment was going to be very important.

The States have a different view. They saw it as a way to get cash—establish paternity so we could get child support and we could get money. They were not particularly interested in whether dad did anything to raise the child other than to send the check so the State could get some of the money. They would then reduce the benefits to the mother in proportion to the child support being paid by the father. There is an incentive for the States to find out who the father was and attach wages, if necessary, and get the child support flowing into the State coffers.

That is not exactly the most nurturing conclusion that I thought would occur by finding out who father was. I had this funny idea that maybe if they found out who the father was and the father became involved in a legal way with his child, he might take some responsibility for that child. That is not, unfortunately, what has happened. There are a lot of factors involved, including a culture in many communities that is not nurturing of fathers taking responsibility for their children—at least in the popular culture. In a segment of the popular culture, it is not reinforced that fathers should take responsibility for their children. It is a misogynist popular culture that abuses women in song, in video, and in many other ways, and teaches you not to take responsibility for your actions. So the popular culture, matched up with the State that was just interested in money, has resulted in incredibly high rates of absent fathers.

What are we going to do about that? What should we do? People say, Senator, what is the Government's role in marriage—to encourage people to marry? Why doesn't the Government stay out of it? I argue that the Government is already in it because, prior to welfare's inception—and you can say this is a good or bad thing, but it is a fact—prior to welfare's inception, one of the reasons mothers and fathers stayed together was because there wasn't any money to support the child at all. The Government didn't help raise children at all. There was no money. That is when sort of a popular joke regarding the shotgun wedding came about, because mom had no means to support herself and her children. So families required fathers to stick it out.

Many will say that was not the optimal situation. I agree. But ask the question now, are we better off now? Are the children better off now? As the Senator from Massachusetts said, it is about the children, isn't it? Are the children better off now in this culture?

I would make the argument that the Federal Government has already done its part in taking sides on the marriage debate, and that is, it has been an enabler of the dissolution of marriage because it is no longer required to support and raise your child.

Again, you can argue positives and negatives about it, but that is a fact. Economically, it simply was not possible 50 years ago. Economically, it is a viable option—I am not saying the best option. I am not saying better or worse. All I am saying is it is an option that was not available before. So the Government has taken sides on the issue of marriage.

What I am suggesting, and what this bill suggests, is the Government try to shift gears to be somewhat neutral on the issue. What do I mean by that? A researcher from Princeton I started talking about did a survey asking whether mothers and fathers at the time of paternity establishment were in a relationship. Actually, a very high percentage said yes at the time. I think it was roughly 80 percent said they were currently in a relationship.

They were asked the question: Do you have any intention of getting married? Again, a very high percentage of these young parents or new parents said, yes, they actually were contemplating marriage—over 50 percent. What happened?

By the way, what did the Government do during this time? The Government basically said: OK, dad, sign here, make sure you establish paternity. Thank you very much. Fold up that paper, put it in the briefcase, and back down to the welfare office. File the paper. Make sure we get dad a child support order so we can get our money. That is the Government's role financially.

The Government says marriage is not such a bad—no, no, we are not going to prejudice these folks; let them do whatever they want as long as we get our money—as long as we get our money.

What happened a year later? The researcher from Princeton—again, not a conservative researcher—asked the question a year later of these same couples. Guess what. Very few got married. I think 10 percent were still together in one form or another.

What happened? I think it is fairly obvious what happened. It is a tough situation for an unmarried couple, particularly, again, given the popular culture. It is a very tough situation to work through the difficulties of raising a newborn and trying to keep a relationship together. Even people who are married have a tough time. A newborn is a big change in your life. Having had seven children, I can tell you, having a newborn in the house is a big change. When you are struggling economically, when you may be living at home or may be living in poor accommodations or maybe not living in the same place, this is a very stressful and difficult situation. People, in many cases, do not

have a heck of a lot of role models around to help them get through this difficult time in their life.

I do not think anybody here is surprised to hear these numbers—I would not think they would be—that a very small percentage of people in this situation end up getting married. Why aren't you surprised? I think we need to think about that. Why were you not surprised when I said that? That is the expectation, is it not? That is what we expect.

If we expect it, what do you think the people involved in the situation expect over time? We are trying to change that dynamic. We are not trying to force anything down anybody's throat. All we are suggesting is that at the time of paternity establishment, instead of folding up that little paper that now has the signature that is going to create financial liability for that man for at least some period of time, we ask one additional question: Are you interested in getting married?

If both answer yes, for example, what a caseworker could do is pull out a card and say: Here is a card and here is a list of 10 people, 10 organizations who do marriage counseling. If you call one of these organizations and you show up for an appointment, we will pay for your counseling to help you get through this difficult time and stressful time in your life.

Believe it or not, there are people who are saying this is a right-wing agenda to try to get people to get married, as if that is a horrible thing to actually have mothers and fathers of children actually get married; that is some sort of secret plan to destroy the world. I do not understand it.

What we are trying to do is help two people who at the time have a commitment and have a product of that commitment called a child who needs love and support from as many people as that child can get—optimally, a mother and a father. All we are saying is give this child a chance; hopefully, a better chance. At least try. At least try to help people who want to be helped. Not force it on them, just try to help people who have, at least at the moment of the time they are looking at the face of this new creation, who actually still dream and hope of a better life with that child and together to pour some water on that seed to nurture it instead of folding up that piece of paper and saying: I got your money. That is all I came for. I am here from the Government, and I got your money. I got your signature, and that is all I am here to do. And look down at that child and say: I know what is going to happen, but what do I care? I have no requirement to care about whether mothers and fathers stay together and raise and nurture that child. It is not my job.

I will be offering an amendment, if we get a chance to offer amendments, to actually increase to the President's budget figure the amount of money in this program because I do believe that

Government should be on the side of children in creating at least a chance for them to be raised in a stable two-parent family.

What happens to the poverty rate? If you increase the marriage rate, the poverty rate drops not some but very dramatically. So the keys in this legislation of work and marriage are the two strongest indicators of a reduction in poverty. The other factors many others suggest are keys to reducing poverty is increased education. It helps, but it is not anywhere as powerful as the focus of this bill. Reduced family size? Again, the more children you have the higher the chance you are going to be in poverty. So if you have fewer children, it helps—again, not as much as the focus of this bill. The interesting thing is, if you factor all these four things together, look what happens to the poverty level: Work; marriage, which allows in many cases the opportunity for education; and reduced family size—dramatic reduction in poverty. Can you imagine, for the longest time we didn't want to do this? And we still don't do this. The results are powerful.

What do some on the other side still hold to? I underscore "some" because thankfully we have had bipartisan support in much of what we have done here. What do some on the other side see as the answer? Spend more money. If we want to get people out of poverty, just increase the amount of money you give people in poverty and, guess what, you get them out of poverty.

Here is doubling the welfare benefit. If we doubled the welfare benefit, what would happen? Hardly any decrease in poverty. The Senator from Massachusetts might say it is obvious on its face, if we give people more money—in fact, it isn't that he might say it; yes, he did say it. He said it is obvious, if you give people more money, if you raise the minimum wage, of course poverty is going to go down. We are not talking about raising the minimum wage here; we are talking about doubling the welfare benefit. It makes barely a scratch. So I guess it isn't all that obvious, is it?

I guess, just like the rest of us, people who are experiencing poverty in their lives are as complex as the rest of us and have a lot of factors that go into whether they are poor, not just how much money comes in the door. There are a lot of factors that go into whether people rise in society. What we know works is work and marriage and families. We know that works. You know what. America knows it works. That is obvious. It is obvious to me and hopefully it will be obvious to my colleagues as we proceed here today. Instead of focusing on minimum wage—again, it has its time and place, but there is no evidence at all that has been put forward that it does anything to reduce poverty. In fact, straight cash assistance—not identical with the minimum wage, but the same idea behind it—doesn't significantly affect poverty.

What we are doing in this bill works. It works from an analytical point of view; it works from a moral point of view; it works from a commonsense point of view. It is all about what we Americans value and understand and revere—at least we have throughout the history of this country.

So I am hopeful we can move forward, that we can get an agreement to somehow or another dispose of the Kennedy amendment, either in this bill or at some future time, and move to passage of this very important piece of legislation which is going to have a dramatic impact in taking this number and numbers like it, the poverty rate among Black children, of all children—it has not just been among African-American children; it has been among all children as well as mothers—down, and down further.

We have an obligation if we know something is working to make it permanent and extend it and make it better, to do more of what we know works. That is what this bill does. I am hopeful the Senate will give its support to the bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for 5 minutes.

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

ENERGY PRICES

Mr. BINGAMAN. Mr. President, I came to the floor nearly a week ago to talk about high energy prices. I know several of my colleagues have been speaking about this issue today. At the time I spoke last week, I outlined a series of suggestions, 13 concrete actions I was urging the administration and particularly the President take to begin addressing this problem, both of high price of gas but also the high price of natural gas and the impact that is having on American families and on our economy.

The figures are fairly startling. Today, energy prices are at historic highs. Some analysts estimate that energy price shocks this year could cost American consumers more than \$40 billion. Speaking very frankly, we cannot afford this kind of expense. We need to maintain a healthy pace of growth in our gross domestic product, and high energy prices dampen that growth. Clearly we need to give attention to this.

I was encouraged by some of the reaction we received to my statement last week. I did receive a letter from the National Association of Convenience Stores, particularly endorsing the suggestion that we begin to address this boutique fuels problem, the proliferation of boutique fuels.

I ask unanimous consent that letter be printed in the RECORD following my remarks here.

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

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, I was also encouraged by the comments of my colleague from New Mexico and others who have come to the floor endorsing some very similar suggestions. It is important that we speak today about this issue because of the OPEC meeting that is about to occur in Vienna, Austria. I want to reiterate that it is extremely important that the administration assert pressure on OPEC, the OPEC members who are meeting in Vienna, to forego their proposed 1 million barrel-per-day production cut. We do need to rein in high oil and gas prices and we need to send a strong message that cutting production of oil in OPEC is not the way to do that.

OPEC has the ability to affect price in two important ways: They can add to supply or they can talk down the price of oil on the world market. We have seen them do both in previous periods. I don't see any real action to affect the price of oil on either front at this point. We have been out of the price band—this is, I believe, this \$22 to \$28 band that OPEC has talked about—for quite some time now. At the same time that we have been way above that band, some OPEC members are talking about not only keeping production steady but actually cutting production.

This would be a very wrong-headed move. It would have adverse consequences on American consumers. I hope very much they will reconsider and I hope our administration will use its very best efforts in the next day or two to ensure that OPEC in fact does not cut production.

EXHIBIT 1

NATIONAL ASSOCIATION
OF CONVENIENCE STORES,
Alexandria, VA, March 25, 2004.

Hon. JEFF BINGAMAN,
Ranking Member, Senate Committee on Energy
and Natural Resources, Dirksen Senate Of-
fice Building, Washington, DC.

DEAR SENATOR: On behalf of the retail members of the National Association of Convenience Stores (NACS), I would like to express our appreciation for your comments yesterday regarding the proliferation of boutique fuels. As the representative of an industry that sells more than 75 percent of the gasoline consumed in the United States every year, NACS has long advocated for a comprehensive fuels policy that would restore gasoline fungibility to the system without sacrificing supply.

The problems associated with the proliferation of boutique fuels are significant. As you noted yesterday, these specifications have "greatly reduced the overall flexibility and efficiency of our fuels system." We could not agree with you more. America's motor fuels system, including the refining, pipeline and storage infrastructure, was not designed to accommodate dozens of unique, non-fungible fuel blends.

Last year, NACS commissioned a study that analyzed the impact these boutique fuels have on the nation's gasoline supply and assessed the effect possible adjustments to the fuels regulatory system might have on refining capacity. Our study revealed that reducing the number of boutique fuel blends, while maintaining or improving environmental quality, will improve fungibility. However, it will also reduce the production capacity of the domestic refining system by

requiring the production of more environmentally sensitive blends, which are more difficult to produce. For this reason, an approach to boutique fuels must be carefully balanced with the preservation of supply.

Your acknowledgement of the challenges facing the petroleum industry and your interest in overcoming these challenges is greatly appreciated by the convenience store industry. We look forward to working with you and your colleagues in a non-partisan, policy-specific effort to restore efficiency and flexibility to the gasoline marketplace.

Thank you and please let me know how NACS might be of assistance.

Sincerely,

JOHN EICHBERGER,
Director, Motor Fuels.

Mr. BINGAMAN. Mr. President, how much time remains of the 5 minutes I requested?

The PRESIDING OFFICER. The Senator has 1 minute and 10 seconds.

Mr. BINGAMAN. I ask unanimous consent for an additional 5 minutes.

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

IRAQI AND AFGHANISTAN LIBERATION MEDALS

Mr. BINGAMAN. Mr. President, I rise today to speak to a bill to honor our service men and women in Iraq and Afghanistan who have served and continue to serve their country by working for a fee, independent and stable Iraq and a new Afghanistan. These missions have been difficult and the cost has been high; nearly 600 Americans have been killed and almost 3,000 Americans have been injured in Iraq, while more than 500 Americans have been injured and more than 100 U.S. servicemen and women have been lost in Afghanistan.

More than a year after the initial invasion, nearly 110,000 troops are still stationed in Iraq, working to build a new, stable beacon of freedom in the region. My fellow Senators, the liberation of Iraq is turning out to be the most significant military occupation and reconstruction effort since the end of World War II. We cannot understate the importance of the work being done there today.

The administration's focus on Iraq leaves the mission in Afghanistan incomplete. Despite constant progress there, the fighting is still not over. Recent assassinations of government officials, car bombings, and the lingering presence of terrorist forces and former Taliban fighters force thousands of our troops to stay in-country.

For their courageous efforts, the Department of Defense has decided to award our brave young men and women with the Global War on Terrorism Expeditionary Medal—GWOT—and no other medal. This is despite the fact that G.W.O.T. medal is meant for any individual who has served overseas during the war on terror and may have come within a few hundred miles of a combat zone. The dangers of serving in Iraq and Afghanistan are greater; therefore, along with my colleagues, Senators LOTT, LANDRIEU, INHOFE, and

LUGAR, I propose to correct this mistake by passing legislation authorizing the Iraq and Afghanistan Liberation Medals in addition to the Global War on Terrorism Expeditionary Medal.

While some of us in this body have not shared the administration's view on this war, we are united when it comes to supporting our troops. These young men and women from active duty, National Guard and Reserves are all volunteers and exemplify the very essence of what it means to be a patriot. We believe that what they are doing in Iraq and Afghanistan today differs from military expeditionary activities such as peacekeeping operations or no-fly zone enforcement.

They continue to serve, even though they do not know when they will return home to family and friends. They continue to serve despite the constant threat to their lives and the tremendous hardships they face.

There is a difference between an Expeditionary Medal and a Campaign medal. We only need to look at an excerpt from U.S. Army Qualifications for the Armed Forces Expeditionary medal and Kosovo Campaign medal. In order to receive the Armed Forces Expeditionary Medal, you don't need to go to war. You only need to be "placed in such a position that in the opinion of the Joint Chief of Staff, hostile action by foreign armed forces was imminent even though it does not materialize."

To earn the Kosovo Campaign medal, the standard is higher. A military member must:

Be engaged in actual combat, or duty that is equally hazardous as combat duty, during the Operation with armed opposition, regardless of time in the Area of Engagement. Or while participating in the Operation, regardless of time, [the service member] is wounded or injured and required medical evacuation from the Area of Engagement.

Many within the military agree that there is a difference. According to the Army Times, "Campaign medals help establish an immediate rapport with individuals checking into a unit." An expeditionary medal like the GWOT does not necessarily denote combat. A campaign medal is designed to recognize military personnel who have risked their lives in combat.

Campaign medals matter.

"When a Marine shows up at a new duty station, commanders look first at his decorations and his physical fitness score—the first to see where he's been, the second to see if he can hang. They show what you've done and how serious you are," said Gunnery Sgt. James Cuneo. "If you're a good Marine, people are going to award you when it comes time. . . ."

My fellow colleagues, it is time.

We must recognize the sacrifice of our young men and women who liberated Iraq, including great Americans like Army Specialist Joseph Hudson from Alamogordo, NM, who was held as a prisoner of war. The Nation was captivated as we watched Specialist Hudson being interrogated by the enemy.

Asked to divulge his military occupation, Specialist Hudson stared defiantly into the camera and said, "I follow orders." Those of us with sons and daughters were united in worry with Specialist Hudson's family. The entire nation rejoiced when he was liberated.

We have also asked much from our Reserve and National Guard forces. The reconstruction of Iraq would not be possible without the commitment and sacrifice of the 170,000 Guard and Reservists currently on active duty.

My colleagues, Senators LOTT, LANDRIEU, INHOFE, LUGAR, and I are committed to honoring our over 200,000 heroes who liberated Iraq and Afghanistan. We believe that current administration policy does a disservice to our fighting men and women. Therefore we propose, in addition to the GWOT medal, new decorations that characterize the real missions in Iraq and Afghanistan, two that are distinctive and honor their sacrifice, the Iraq and Afghanistan Liberation medals.

What we do today is not without precedent; Congress has been responsible for recognizing the sacrifice and courage of our military forces throughout history. Congress has had a significant and historically central role in authorizing military decoration. Our Nation's highest military decorations were authorized by Congress, including: the Congressional Medal of Honor, the Air Force Cross, the Navy Cross, the Army's Distinctive Service Cross, the Silver Star, and the Distinguished Flying Cross.

We have also authorized campaign and liberation medals similar to what we hope to accomplish with this legislation. A partial list includes the Spanish War Service Medal, the Army Occupation of Germany Medal, the World War II Victory Medal, the Berlin Airlift Medal, the Korean Service Medal and the Prisoner of War Medal.

The list goes on and on. The great men and women of our military forces are doing their jobs every day in Iraq and Afghanistan. It is time to do our job and honor them with an award that truly stands for their heroic service, the Iraq and Afghanistan Liberation Medals.

While some of us in this body have not shared the administration's view on the war, we are united when it comes to supporting our troops. These young men and women from Active Duty, from the National Guard, and from the Reserves, are all volunteers. They exemplify the very essence of what it means to be patriotic.

It is extremely important that we take action. Many in this body will remember that we proposed to do this last year as we were considering the Defense authorization bill. Our effort was not successful, although many Senators voted to go ahead with this legislative provision. The administration was not in favor, and the amendment failed.

I am glad we are able to reintroduce it this year. I urge my colleagues to co-

sponsor this legislation and work with us to find an appropriate time when we can bring it up for a vote, or we can add it as an amendment to one of the bills that will be working its way through the Senate later this year.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I want to speak on the welfare reform bill.

This has been an extraordinarily successful initiative which we began a few years ago. Its success is tied with the fact that States have been given a great deal more flexibility in the area of how they handle their welfare account. The fact is, we have set up as a purpose, as a government, that people who are on welfare will be given the opportunity, the skills, and the incentives to move off of welfare and move into a work environment, which is something that gives them personal credibility and personal self-respect, and at the same time assists us in reducing the public welfare rolls. It has been a huge and overwhelming success.

One of the elements of moving off of welfare, of course, is the need of parents to have transitional support, especially single mothers as they go into the workforce while dealing with their children during the time they are working; in other words, some sort of childcare assistance.

As part of this bill, we intend to offer an amendment for reauthorization of the Child Care Development Block Grant Program, called the Caring for Children Act of 2003.

This amendment came out of the committee which I chair, the Health, Education, Labor and Pension Committee, unanimously. It came out with bipartisan support, obviously.

It is an attempt to update our childcare block grant initiative and make it more meaningful for the issues of today. It also gives the dollars it needs to be effective.

The bill will not only stress increased spending, it has \$1 billion of new funding from the discretionary accounts.

Earlier today, there was a vote on an initiative to add \$6 billion over 5 years to the childcare development grant. That money would be mandatory, and it was not paid for; it was outside the budget. There was a euphemistic attempt to pay for it—a superficial attempt—actually, what amounted to the ultimate shell game attempt as an offset which was cited and which has been used on, I believe, 17 different occasions as a claimed offset in this body.

The real effect of the bill was to go way outside the budget and add a huge new tranche of dollars beyond the budget which would be fine had it been realistically offset. But it wasn't.

This bill has in it a true increase which is an appropriate increase of \$1 billion over that period of the bill. That is a significant infusion of new funds. Plus it addresses some of the concerns of the program, one of the concerns being as children are getting childcare they should also be getting

some sort of development in the capacity of learning. Obviously, these are very young children. But they should have a learning component in their childcare experience, something that will put them in a position where they will be able to be at a level where their peers are—other young children who are receiving childcare.

It has language in it which encourages the States to include a voluntary guideline initiative in the area of prereading and language skills. The absolutely critical essence of learning is language skills and the ability to do phonics and identify letters and be able to get ready for reading. This bill has in it that language.

It also has in it a commitment to low-income parents. At least 70 percent of these dollars has the flow-through stage, actually, to the parents—in many cases a single parent. So the parent is getting the benefits. And we aren't simply siphoning it off into the bureaucracy, which often happens, regrettably, through administrative overhead but, rather, directing this money to the hands of the parents, especially the low-income parent so the parent can use this to assist them in transitioning off the welfare rolls by taking care of their children during the workday.

It gives parents a significant amount of choice. They can use different daycare types of facilities. Some which are faith-based are allowed to be used, or they can use it even if it is being provided by relatives and neighbors. That is important.

Further, the bill addresses a need to make sure that States focus on improving the quality of childcare. This is a very significant concern that many of us have, which is that a lot of the childcare today is, unfortunately, not of a quality that gives the child the support services they need or the academic assistance they might need in order to be brought up to speed with peers who are in different childcare delivery systems.

It allows States to set aside a certain percentage of the money in order to assess quality and try to improve quality. This gives the States more flexibility in this area, but it also gives them an impetus to go in the right direction.

It is, therefore, a bill which does a lot of good.

As I mentioned, it was reported out of our committee unanimously. It will be, hopefully, added to the base bill either by a formal vote or as part of the managers' amendment.

But we have to get back to the fundamental quandary which confronts us today, which is that the base welfare reform bill that is pending before the Congress is being held up by the other side of the aisle.

This is becoming a pattern of obstruction which we have seen throughout this session of the Congress, and it appears its intensity is actually increasing. Bills are coming to the floor

now which are important pieces of legislation on which there is a general consensus.

As I mentioned, this language reported out of our committee to strengthen the block grants for childcare was reported unanimously. Yet these bills are being stopped dead in their tracks by the insistence of the other side of the aisle to put on these bills extraneous issues which are of a politically charged nature, the purpose of which is not to pass them but simply to generate a political vote which can be used in the coming election.

We all do that. We all set up the political votes. But they should not be used as aggressively as they are today by the Democratic Party as a means of stopping legitimate legislation. The obstruction coming from the other side of the aisle is unconscionable.

Last week, for example, a bill which would have corrected the problems which many of our manufacturers in this country are going to confront, specifically a duty that is going to be assessed on their goods sold overseas, a duty which could go up as high as 18 percent—and that duty was a function of the fact we lost a World Trade court decision which allows this duty to go forward—that bill which would have corrected that, put an end to the duty and thus allow manufacturing jobs and service-oriented jobs in the United States to continue to expand and flourish, that bill was killed in this Senate because of extraneous issues which the other side of the aisle, the Democratic Party, decided they wanted to bring forward. They would not allow the bill to go forward without those extraneous issues being voted on.

The bill had absolute consensus. There was a belief, there is a belief, there should be a belief, that American jobs should not be lost as a result of our tax laws being found illegal by a body which we subscribe to, the World Trade Organization, and that we should correct that problem, and we can correct it rather effectively, and that correction will save jobs in the United States. That will not happen now because of the obstruction coming from the other side of the aisle. It is one in a series of obstructions.

Now we see the exact same thing happen in the area of welfare reform. Literally, in the last 5 years, there have been very few laws as successful that this Congress has passed as welfare reform. It was so successful—it was an idea put forward on this side of the aisle—once it passed and started to work, it was immediately adopted by the other side of the aisle as theirs.

President Clinton had the right to take credit; he was President when the bill was passed. He was President and takes credit as one of the strong elements of service of his Presidency. And I am glad he takes credit.

Now when we try to reauthorize and improve it significantly through the block grant proposal which we brought out of our bipartisan committee, now

when we try to move the bill forward so we can continue with the welfare reform experience of the last few years and make sure that experience continues to allow people to move from public assistance to work and give people self-confidence, self-respect, and self-esteem as a result of attaining work, that bill has been stopped once again by the Democratic membership of this body coming forward and saying they want to cast a political vote on an unrelated issue.

It is these actions that one has to question the purpose. Why, when bills have been agreed to which will significantly improve the lifestyle of Americans, the number of jobs Americans have in the case of the tax bill which was just stopped last week, or the number of people moving from welfare to work, which is getting good jobs and moving out of a public assistance situation and getting self-respect, why are these bills being stopped for purely political purposes by the other side of the aisle bringing forward extraneous amendments.

It is an unconscionable action, in my opinion. It is regrettable that the childcare block grant proposal, the reauthorization of which came out of our committee unanimously and which represents a significant improvement, especially in this area of trying to get learning into the childcare experience, trying to get quality in the childcare experience, giving States more flexibility and putting more money into the program in the context of a responsible budget bill, why that would be stopped also is beyond me. It is not beyond me; it is fairly obvious. The purpose here is to make a political statement. It is a political statement, come heck or high water. It does not matter that the making of the political statement will cost people jobs and make it harder to move from welfare to work, creating a poorer and a less well-financed childcare block grant program.

It is unfortunate. It is the politics of the day. I know the American people do not focus too much on what we do in the Senate in the day-to-day regime. I hope the American people take the time to learn what has transpired in this body in the last 6 to 8 months. The obstructionism on the other side of the aisle has become the cause of the day, the purpose of every event. This obstructionism continues and grows as we move closer to the election. The practical effect of this obstructionism coming from the other side of the aisle is that good things which help working Americans keep jobs, move from welfare to work, ensuring their kids have quality daycare, good things like that are being stopped as a result of this unrequited obstructionism coming from the other side of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

NEVADA CHAMPIONS

Mr. ENSIGN. Mr. President, my colleague from Nevada, Senator REID, and

I will take a couple of minutes and exercise our privileges as Senators to brag a little bit about our State and the recent accomplishments of the University of Nevada basketball team and their rise to the Sweet 16.

The Nevada Wolf Pack brought a lot of pride to our State. It is not a school known for basketball. Certainly, they had more football success in the years past. However, this year they surprised many in the Nation. It was obviously a heart-breaking loss to Georgia Tech last week. But Coach Trent Johnson, the whole Wolf Pack team and all the people surrounded with the program deserve a lot of credit for the season they put together. We expect big things from them in the future.

For a school such as the University of Nevada, a school that does not have the reputation of the University of Connecticut or Duke, it is more difficult to get the kind of players to go up to Reno to play basketball. They have players from Virginia City, Elko, and some of the other small towns around Nevada.

Coach Johnson crafted a team providing a good lesson for all of us to learn. If you can work together as a team, you can achieve true greatness. That is what his team did this year. Earlier in the year they beat the University of Kansas, beat them very soundly. Then through the March Madness, they made it all the way through the Sweet 16.

It was funny to listen to the various announcers talk about our team and trash them, not even understanding how to pronounce "Nevada." We do not use their pronunciation. It was funny to listen to them saying they did not have a chance; they did not know how to play basketball. Certainly the coach from the University of Nevada and the rest of the players proved them wrong.

I rise today to congratulate them on a great season and look forward to their success.

I also wish the Lady Rebels from the University of Nevada Las Vegas success tonight. They are in the WNIT championship. We have a lot to be proud of in our State. I join my colleague, Senator Harry Reid, in congratulating especially the Nevada Wolf Pack for what they have achieved. Hopefully, we will be able to talk about the championship the Lady Rebels will achieve tonight.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope Senator ENSIGN and I are able to be on the same team working here in the Senate as the University of Nevada at Reno was during this basketball season. We strive to do that. They have set a good example for us and for everyone.

We may be outnumbered in the State of Nevada. There may be a lot of States with more people than we have, but Senator ENSIGN and I realize every State only has two Senators. We believe as a result of that, of our working together, we can have the same

strength and power some of the more populated States have. I have enjoyed and appreciated working as a team with Senator ENSIGN during his tenure in the Senate.

I also today want to extend my congratulations to Coach Trent Johnson and the basketball team at the University of Nevada. We have in recent years reached goals in our athletic programs at the University of Nevada, but for Coach Ault and his football team, they have been good.

I remember going to Georgia Southern to watch UNR play them for the national championship, in Division II. And though we lost that game, it was a great thrill to reach that level, which was significant for the university.

Since that time, the University of Nevada football has moved into Division I. Basketball has always been Division I.

Now, many years ago, the Wolf Pack was known all over the country. It had, at one time, three All-Americans on its football team. We had Marion Motley, who is now a member of the Football Hall of Fame, who played football at the University of Nevada, at Reno. And we had other great players, Dick Trachok, Tommy Kaminer, and many others, but that is many years ago.

So what Senator ENSIGN said about the Wolf Pack Basketball Team is significant. They had not been to an NCAA tournament for 19 years. They had never, in the history of the school, won an NCAA game.

This year they were forecast, by all the prognosticators, to continue that "never to win a game." The first team they played was the great Michigan State. They beat Michigan State. Then the prognosticators said: Well, that was a fluke. There is no way in the world they will beat the highest ranked Gonzaga team. Gonzaga, all year, had lost one game. That game was not close. UNR moved through there very quickly.

Then they moved on to the Sweet Sixteen. They played Georgia Tech. They led Georgia Tech at half time, and it was really an exciting game. They lost. But other than my being disappointed because they did not go to the Final Four, I join my colleague in expressing my congratulations to this great basketball team.

We have focused so much attention, in years past, with the UNLV basketball team, the Runnin' Rebels, that has overshadowed the accomplishments of the University of Nevada, at Reno. But that will no longer ever be said as a result of the great accomplishment made by this team.

I want to say something about the importance of coaching. Trent Johnson came from Stanford. He was an assistant coach over there. He came 5 years ago. He accepted the challenge of being a head coach of a Division I school. But, frankly, the record that he was given was pretty dismal. The year that he took over, he looked back to see that the prior year they had won 8

games and lost 18. This year they won 24 games. That is the turnaround.

As Senator ENSIGN mentioned, they beat Kansas, which was ranked No. 1 at the time. Early in the year, people knew they would be pretty good because they almost beat Connecticut, which, at that time, was also ranked No. 1.

Few people thought they could make the strides that they did except their coach, Trent Johnson. He is an outstanding coach. It is my understanding and my hope that the people in Reno have done everything they can to make him happy. He is a great coach, and this record of his will only continue.

I want to reflect a little bit on this team. It was led by the player of the year in the Western Athletic Conference, a man by the name of Kirk Snyder. He is a junior. If he wants to go pro, he will be drafted in the first round.

During the times I have watched him during the games this year, and listened to the games, the sportscasters always focused on this man who was so good.

They also had a point guard by the name of Todd Okeson, someone who is a senior, and was the sparkplug of that team. He was the point guard, but he also scored very well.

There were other fine players on that team. They may not have scored over 20 points a game as did Kirk Snyder, but they did many other good things. Gary Hill-Thomas was a great defender. Kevin Pinkney was one of the great rebounders. And then there was a young man by the name of Nick Fazekas, who is almost 7 feet tall, a freshman, and has a soft touch. He stepped in at very crucial times during the tournament and made key baskets, and came to the free throw line and always came through.

But we also had players from Nevada. They are not all out-of-Staters. For example, Sean Paul, the "Elko Enforcer," comes from the town of Elko in northeastern Nevada. And there were other players: Jermaine Washington and Marcelus Kemp.

These players have made Coach Johnson proud. I am confident that is one reason Coach Johnson is going to stay at the University of Nevada, at Reno. We want him, and I certainly hope he stays. I am confident that he will.

All these players, and especially the coach, have made Nevadans proud.

Sometimes when a team loses in a tournament, people say: "Wait until next year." But I think everyone in Nevada is going to dwell on the fact that this team did well, and we are going to savor this remarkable season by UNR, and not dwell on next year.

Senator ENSIGN mentioned, and I also want to mention, that we also have a great coach at UNLV. She coaches the UNLV Runnin' Rebels. The Lady Rebels are very good. They came within one point of going to the NCAA tournament. They are now in the Na-

tional Invitation Tournament, and they are in the finals. They are going to play Creighton tonight for the National Invitation Championship. They have done great.

I love to watch the Lady Rebels. I have gone and met with these young women and have spoken with the coach. So I congratulate Coach Miller and her Lady Rebels for the great notoriety they have focused on the University of Nevada Las Vegas this year and wish them well in their tournament game tonight.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2945

Mr. BAUCUS. Mr. President, I would like to say a few words about the pending amendment offered by the Senators from California and Massachusetts; namely, the minimum wage amendment. I would like to point out the effect of the current minimum wage on people today, and particularly as to where they are with respect to poverty in America.

Let me refer to this chart. This chart represents the relationship between the minimum wage and the poverty line for a family of two, beginning in the year 1988, and up through the year 2002.

From this chart you can see, quite visibly, frankly—with the minimum wage represented in green and the poverty line being the line just below the blue—that as the minimum wage increased in 1989, and in a step sort of function up to 1998, that for a person who had a job, with a family of two—let's say a single mom had a full-time job but made the minimum wage—they were still below the Federal poverty level, until about 1998, and then they could just barely surpass the poverty level.

I point this out because it does not seem right that a person who has a full-time job at a minimum wage still lives in poverty.

Now, that is bad enough. But let me show you how much worse it gets. This next chart shows the relationship between the minimum wage and poverty for a family of three: let's say a mom and dad and a child. By this chart one can tell very easily that the gap between the poverty line and the minimum wage is much greater for a family of three than it even is for a family of two. In fact, if I have my numbers correct, the amount is about \$3,681. That is the gap.

I point out, again, for a family of three, with one breadwinner—say with a father who is at the minimum wage—that family of three will find itself, on average, over a year's time, about \$3,600 of income less than the Federal poverty level. That family is living in poverty even though the breadwinner of that family is working full time.

And it gets worse, as you might expect.

Let's take a family of four, say a father and a mother, and two children. Say one parent is working full time at a minimum wage job. Because the increase in the minimum wage has been

so slow, the gap between what that family earns and the Federal poverty level is even greater.

In fact, it is about twice as much, which means that a family of four with one wage earner at the minimum wage is earning about half of what the Federal poverty level is. I don't think that is right. I frankly don't understand why some people do not want a significant increase in the minimum wage.

Let me tell you a personal story. Personal stories sometimes are out of context, but it meant a lot to me. One year I was walking across my State in Montana campaigning. To be honest, I learned an awful lot just by talking to people who I just happened to meet walking down the roads and highways and visiting in people's homes. A lot of it had to do with welfare. I remember talking to many people on welfare who told me they did not want to be on welfare. They hated it. They wanted to be off welfare.

One of the main factors they mentioned to me as to why it is so difficult to get off of welfare is because of the minimum wage laws. They are working maybe at McDonald's or someplace else in a minimum wage job, but because the minimum wage rates were so low, they couldn't make ends meet.

It is hard to know when to believe people. It is hard to know when to think what people say is right or not, but you have to read between the lines. You have to get a sense of what is going on. It was very clear to me that these people were speaking the truth, certainly as they perceived it. If there were a significant increase in their wages, they could then get off of welfare.

It is tied to the earlier debate on childcare. I ran into a lot of women, single moms who said the same thing to me. They were really earnest. I wish you could have seen the expressions on their faces saying that they wanted to stay off of welfare.

One young single mom explained to me that she slept on her mother's sofa so she could avoid having to pay for a room someplace. She had a minimum wage job. Her childcare expenses were so high she could not handle it anymore and she had to go back on to welfare. She hated it.

In those few instances, people I talked to just by happenstance—chance encounters—that is what they have said to me.

We have to make judgments sometimes. One of the judgments I have made is that our current minimum wage is too low. For a civilized country, the United States of America, we can do a heck of a lot better.

Sometimes you hear business people say it will increase their cost of business. It probably will slightly. But if everybody is getting paid more, more dollars flow into the economy. People are more likely to not be on welfare, and they are more likely to have a little more self-esteem. They are more likely to be able to advance them-

selves. Most people want to advance themselves. They want a better life for their families and their kids. Some just find themselves caught in difficult situations.

I hope people will look at these charts and see how dramatic the difference is between the minimum wage income on the one hand and the Federal poverty level on the other. The income of someone on the minimum wage is much below the Federal poverty level. It does not seem right that a person working full time, whether he or she has one child, or is married, or whether he or she has three in the family or four, should live so far below the Federal poverty level. That is not right. If they are going to work full time, they should be able to live outside of poverty.

I urge Senators to support the amendment offered by the Senator from California.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Mr. President, I ask unanimous consent that I be allowed to speak up to 15 minutes as in morning business.

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

THE 9/11 COMMISSION

Mr. MILLER. Mr. President, after watching the harsh acrimony generated by the September 11 Commission—which, let me say at the outset, is made up of good and able members—I have come to seriously question this panel's usefulness. I believe it will ultimately play a role in doing great harm to this country, for its unintended consequences, I fear, will be to energize our enemies and demoralize our troops.

After being drowned in a tidal wave of all who didn't do enough before 9/11, I have come to believe that the Commission should issue a report that says: No one did enough. In the past, no one did near enough. And then thank everybody for serving, send them home, and let's get on with the job of protecting this country in the future.

Tragically, these hearings have proved to be a very divisive diversion for this country. Tragically, they have devoured valuable time looking backward instead of looking forward. Can you imagine handling the attack on Pearl Harbor this way? Can you imagine Congress, the media, and the public standing for this kind of political gamesmanship and finger-pointing after that day of infamy in 1941?

Some partisans tried that ploy, but they were soon quieted by the patriots who understood how important it was to get on with the war and take the battle to America's enemies and not dwell on what FDR knew, when. You see, back then the highest priority was to win a war, not to win an election. That is what made them the greatest generation.

I realize that many well-meaning Americans see the hearings as democracy in action. Years ago when I was

teaching political science, I probably would have had my class watching it live on television and using that very same phrase with them.

There are also the not-so-well-meaning political operatives who see these hearings as an opportunity to score cheap points. And then there are the media meddlers who see this as great theater that can be played out on the evening news and on endless talk shows for a week or more.

Congressional hearings have long been one of Washington's most entertaining pastimes. Joe McCarthy, Watergate, Iran-Contra—they all kept us glued to the TV and made for conversations around the water coolers or arguments over a beer at the corner pub.

A congressional hearing in Washington, DC is the ultimate aphrodisiac for political groupies and partisan punks. But it is not the groupies, punks, and television-sotted American public that I am worried about. This latter crowd can get excited and divided over just about anything, whether it is some off-key wannabe dreaming of being the American idol, or what brainless bimbo "The Bachelor" or "Average Joe" will choose, or who Donald Trump will fire next week. No, it is the real enemies of America that I am concerned about. These evil killers who right now are gleefully watching the shrill partisan finger-pointing of these hearings and grinning like a mule eating briars.

They see this as a major split within the great Satan, America. They see anger. They see division, instability, bickering, peevishness, and dissension. They see the President of the United States hammered unmercifully. They see all this, and they are greatly encouraged.

We should not be doing anything to encourage our enemies in this battle between good and evil. Yet these hearings, in my opinion, are doing just that. We are playing with fire. We are playing directly into the hands of our enemy by allowing these hearings to become the great divider they have become.

Dick Clarke's book and its release coinciding with these hearings have done this country a tremendous disservice and some day we will reap its whirlwind.

Long ago, Sir Walter Scott observed that revenge is "the sweetest morsel that ever was cooked in hell."

The vindictive Clarke has now had his revenge, but what kind of hell has he, his CBS publisher, and his axe-to-grind advocates unleashed?

These hearings, coming on the heels of the election the terrorists influenced in Spain, bolster and energize our evil enemies as they have not been energized since 9/11.

Chances are very good that these evil enemies of America will attempt to influence our 2004 election in a similar dramatic way as they did Spain's. And to think that could never be in this country is to stick your head in the sand.

That is why the sooner we stop this endless bickering over the past and join together to prepare for the future, the better off this country will be. There are some things—whether this city believes it or not—that are just more important than political campaigns.

The recent past is so ripe for political second-guessing, “gotcha,” and Monday morning quarterbacking. And it is so tempting in an election year. We should not allow ourselves to indulge that temptation. We should put our country first.

Every administration, from Jimmy Carter to George W. Bush, bears some of the blame. Dick Clarke bears a big heap of it, because it was he who was in the catbird’s seat to do something about it for more than a decade. Tragically, it was the decade in which we did the least.

We did nothing after terrorists attacked the World Trade Center in 1993, killing six and injuring more than a thousand Americans.

We did nothing in 1996 when 16 U.S. servicemen were killed in the bombing of the Khobar Towers.

When our embassies were attacked in 1998, killing 263 people, our only response was to fire a few missiles on an empty tent.

Is it any wonder that after that decade of weak-willed responses to that murderous terror, our enemies thought we would never fight back?

In the 1990s is when Dick Clarke should have resigned. In the 1990s is when he should have apologized. That is when he should have written his book—that is, if he really had America’s best interests at heart.

Now, I know some will say we owe it to the families to get more information about what happened in the past, and I can understand that. But no amount of finger-pointing will bring our victims back.

So now we owe it to the future families and all of America now in jeopardy not to encourage more terrorists, resulting in even more grieving families—perhaps many times over the ones of 9/11.

It is obvious to me that this country is rapidly dividing itself into two camps—the wimps and the warriors: the ones who want to argue and assess and appease, and the ones who want to carry this fight to our enemies and kill them before they kill us. In case you have not figured it out, I proudly belong to the latter.

This is a time like no other time in the history of this country. This country is being crippled with petty partisan politics of the worst possible kind. In time of war, it is not just unpatriotic; it is stupid; it is criminal.

So I pray that all this time, all this energy, all this talk, and all of the attention could be focused on the future instead of the past.

I pray we would stop pointing fingers and assigning blame and wringing our hands about what happened on that

day David AcUology has called “the worst day in all our history” more than 2 years ago, and instead, pour all our energy into how we can kill these terrorists before they kill us—again.

Make no mistake about it: They are watching these hearings and they are scheming and smiling about the distraction and the divisiveness that they see in America. And while they might not know who said it years ago in America, they know instinctively that a house divided cannot stand.

There is one other group that we should remember is listening to all of this—our troops.

I was in Iraq in January. One day, when I was meeting with the 1st Armored Division, a unit with a proud history, known as Old Ironsides, we were discussing troop morale, and the commanding general said it was top notch.

I turned to the division’s sergeant major, the top enlisted man in the division, a big, burly 6-foot-3, 240 pound African American, and I said: “That’s good, but how do you sustain that kind of morale?”

Without hesitation, he narrowed his eyes, and he looked at me and said: “The morale will stay high just as long as these troops know the people back home support us.”

Just as long as the people back home support us. What kind of message are these hearings and the outrageously political speeches on the floor of the Senate yesterday sending to the marvelous young Americans in the uniform of our country?

I say: Unite America before it is too late. Put aside these petty partisan differences when it comes to the protection of our people. Argue and argue and argue, debate and debate and debate over all the other things, such as jobs, education, the deficit, and the environment; but please, please do not use the lives of Americans and the security of this country as a cheap-shot political talking point.

I yield the floor.

(Mrs. DOLE assumed the Chair.)

Mr. ENZI. Madam President, I thank my colleague from Georgia for his outstanding comments. There is a war going on and he made some outstanding points. I have heard several of his speeches and learned a lot from each of them.

I am going to speak now on, I believe, the pending amendment, the Boxer-Kennedy amendment. I will share my thoughts about raising the Federal minimum wage. My colleagues on the other side of the aisle keep talking about the loss of American jobs, but their actions don’t match up to their words.

If my colleagues are so concerned about unemployment, why would they do something that would eliminate jobs in this country? If my colleagues are so concerned about helping poor families, why would they do something that hurts poor families the most? Their effort to increase the minimum

wage, while attacking the President on job creation, is not based on sound policy and economics.

There is an effort underway to put a smokescreen of unrelated amendments that mask election year politics in misleading rhetoric. It is being done on the reauthorization of the welfare bill.

It is time for us to look beyond the smokescreen and see who is really helped and who is really hurt by Senator KENNEDY’s amendment to raise the Federal minimum wage.

Every student who has taken an economics course knows if you increase the price of something—in this case, the minimum wage job—you decrease the demand for those jobs. A survey of members of the American Economic Association revealed that 77 percent of economists believe that a minimum wage hike causes job loss.

For small businesses, where most of the job creation in this country is generated, a minimum wage increase is particularly harmful. Having owned a small business in Wyoming, I can speak from personal experience about how detrimental a minimum wage increase would be for small businesses and job growth.

I need to explain something. Very few people in the shoe business I was in were working at the minimum wage, which my wife and I preferred to call the level of minimum skills. Those are the people who first came in and did not have any capability in the kind of job they were going to be doing and we had a starting wage, a starting skills wage. Anybody who was in that wage more than 3 months was not paying attention, and that is the way with most of the businesses in this country.

The minimum wage is the minimum skills wage, and it is the starting wage. It does have an effect on other wages as well. When we raise the minimum wage, then to keep the proper spread between employees of different skills, other jobs get raises, too. Of course, when that happens, there has to be a way to pay for it, and the way to pay for that almost always comes from raising prices. If you raise prices and wages, there is not much gain.

How do I explain to my constituents, most of whom rely on small business for their livelihood, that Congress wants to do something that would foster job loss instead of job creation?

Every day I read letters to the editors of the Wyoming newspapers. One appeared in the Casper Star from one of my constituents about his concerns in September 2002. I came across this letter again. It was written by Imo Harned of Douglas, WY, about the effects of a minimum wage increase. It is a reminder about the true cost of minimum wage increases.

I ask unanimous consent to print this letter in the RECORD.

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

THAT’S LIKE NO HELP AT ALL

EDITOR: I first became interested in the effects of raising minimum wage in the 1960s.

An employer I knew fired three men he'd employed as watchmen. He remarked that it was worth something to have warm bodies around, but not at 75 cents an hour. Since then I have made it a habit from time to time to ask an employer if raising minimum wage makes a difference to his business. No matter if he pays one person or dozens, the answer is always the same. "There are X number of dollars in the budget and I can't exceed that amount. If it means cutting hours or firing workers, I have to do it to stay within the budget." Personal observations show that within a week of a raise in minimum wage, groceries will raise enough to absorb the increase. Also, people who make more than minimum have to pay the increased costs too, so it amounts to a cut in pay for those who make more.

Several years ago the Wall Street Journal did a study showing that living standards have remained unchanged for people earning minimum wage since that wage was 50 cents an hour! The only difference was that those poor people were in a higher tax bracket and had to pay more taxes.

A person who begins working at minimum wage, who works hard and earns an increase in pay should not be penalized by being returned to the beginning again. Neither should anyone be penalized by having to pay the increased food and utilities that follow every time the minimum wage is increased.

IMO HARNED, *Douglas*.

Mr. ENZI, Madam President, I have listened to my colleagues on the other side of the aisle who support a minimum wage increase. I have seen their charts and heard their arguments. However, none of their charts or arguments can refute the commonsense and real world observation of Imo Harned from Douglas, WY.

Mr. Harned writes—I am quoting part of it and the whole letter is printed in the RECORD. I am sure my colleagues will want to read it:

... I have made it a habit from time to time to ask an employer if raising minimum wage makes a difference to his business. No matter if he pays one person or dozens, the answer is always the same: "There are X number of dollars in the budget and I can't exceed that amount. If it means cutting hours or firing workers, I have to do it to stay within the budget." Personal observations show that within a week of a raise in minimum wage, groceries will raise enough to absorb the increase. Also, people who make more than minimum have to pay the increased costs, too, so it amounts to a cut in pay for those who make more.

Mr. Harned saw through the phony economics of a minimum wage increase. He reached the same conclusion as two Stanford economists: A minimum wage increase is paid for by higher prices that hurt poor families the most. Some argue that we need to increase the minimum wage to help poor families. However, the 2001 study conducted by Stanford University economists found that only one in four of the poorest 20 percent of families would benefit from an increase in the minimum wage. Three in four of the poorest workers would be hurt by a wage hike because they would shoulder the costs of resulting higher prices. A Federal wage hike will hurt the very people the underlying welfare reauthorization bill is designed to help: America's poor families.

I have held on to Mr. Harned's letter as a reminder of the dangers of a "Washington knows best" and a "one size fits all" mentality. An increase in the Federal minimum wage is a classic lesson that Washington does not know best and one size does not fit all.

A Federal wage mandate does not account for the cost of living that varies across the country. It costs over twice as much to live in New York City than in Cheyenne, WY. However, a Federal minimum wage hike that applies coast to coast is like saying a bag of groceries in New York City must cost the same as a bag of groceries in Cheyenne. Local labor market conditions and the cost of living determines pay rates, not Federal minimum wage laws dictated from Washington.

I support an increase for all wages, but that increase should be fueled by a strong, free market economy, not by an artificial Federal mandate that hurts business and workers alike. Artificial wage hikes drive prices up. We should not trick workers into thinking they are earning more when they still cannot pay the bills at the end of the month. We should not trick the American people into believing that the phony economics of a minimum wage increase will improve the standard of living in this country. Nor should we trick the American people into believing that a minimum wage increase is without cost.

The smoke and mirrors of a minimum wage increase is not the way for American workers to find and keep well-paying jobs. We have to encourage, not discourage, job creation, and we have to equip our workers with the skills needed to compete in the new global economy.

It is one of my goals to make sure that the unfilled higher paying jobs can be filled by Americans. I talked about the minimum wage being a minimum skills wage. There are higher paying jobs out there, but you have to have the skills for them. How do you get the skills for them? We have a bill. It is called the Workforce Investment Act. It reauthorizes the Nation's job training and employment system, and it updates it to the modern jobs. It allows people to be working in the areas of highest need in this country, instead of forcing those jobs overseas.

That bill passed out of the Health, Education, Labor, and Pensions Committee unanimously. We passed it on the Senate floor by unanimous consent last November. That means nobody wanted to amend it and nobody objected to what was in the bill. That is as bipartisan as you can get.

Where is that bill now? It is languishing around here because the minority party will not let us get a conference committee appointed to resolve the differences with the House, the final step for the bill. The House has passed a bill. It is a little different from the Senate bill. But we need to meet and work out the differences and get that final bill.

What does this mean in the way of jobs? Training for 900,000 jobs a year. That is pretty significant, training for 900,000 jobs a year. I kind of get the feeling we do not want to resolve that until after November so that it can be a part of the politics of the Presidency. That is wrong. It ought to be worked out now. We ought to have a conference committee. We ought to get it done. If we want to take care of jobs in this country, if we want people to be making more and to be making more real money, we ought to get them trained into the skilled positions in the jobs that are vacant in this country right now before we ship them over to another country. We need to have a conference committee. That would provide jobs. That will provide increased wages. That will provide real increased wages, not just inflationary wages that will drive up the price of all of the goods and absorb, as Mr. Harned said, in 1 week the amount of the raise.

I owe Mr. Harned and all my constituents sound policy, not election year rhetoric. I owe it to Mr. Harned and all of my constituents to remove the smokescreen around the minimum wage debate and expose its true cost.

The Boxer-Kennedy amendment to raise the Federal minimum wage ignores the true cost of a minimum wage increase on America's workers and businessmen.

I hope we can put this debate, which is unrelated to the underlying bill, behind us. I hope we can move beyond election year theatrics and get to the real work of helping America's low-income families.

I urge my colleagues to oppose the Boxer-Kennedy amendment and to read the letter of Mr. Harned in full.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM, Madam President, I appreciate the Senator from Iowa giving me the opportunity to sit in this august chair he so ably occupies on more than just a few occasions on the Senate floor where we seem to have Finance Committee bills on a pretty frequent basis. He works diligently. He has been called away to do some other things so I am going to take this opportunity to speak, as we are stuck on an amendment that is nongermane to this bill, and which was offered with the full knowledge that this would severely jeopardize this bill being moved to passage.

Earlier today we had a good debate on daycare funding. We passed an amendment that added \$6 billion more in daycare funding to this bill. Current funding for the Child Care and Development Fund is \$4.8 billion. The committee added \$1 billion more. Why did we add this increase in funding? Because in the bill we increased the work requirement by 20 percent.

Now I would make the argument we did not actually increase it by 20 percent because we give partial credit to the States, so it is probably not a 20-

percent increase. At most, we increase the work requirement in this bill by 20 percent. So we also increased the daycare funding.

Candidly, there is probably not even that much of a direct correlation. It is probably not even going to be required to have 20 percent more to meet this work requirement, but we did it, anyway.

The HELP Committee comes forward with a proposal that is \$2.3 billion more in childcare that will be in this bill, and then today we add \$6 billion more. That is a 100-percent increase in daycare funding for a 20-percent increase in work requirements. I am starting to rethink the work requirements at the rate this is costing us.

In addition, there is almost \$1.5 billion in money the States now hold that can only be used for cash assistance. When we passed the 1996 welfare bill, one of the concerns on the left was this money for cash assistance be used for cash assistance and it is not to be taken out and used for other purposes. So we have a pipeline which only funds cash assistance.

What we do in this bill is allow this \$1.5 billion to be used for daycare. So it is not a \$1 billion increase on top of a \$2.3 billion increase on top of a \$6 billion increase, but on top of a \$1.5 billion increase on top of that. This is how much money we now have in this bill for childcare. I oppose that. I think that is an extraordinary expansion of a program that, while it has benefits and I certainly support it, and in the 1996 bill I supported the final compromise which added \$1 billion to the daycare funding to get this bill originally enacted, but this is excessive and unwarranted, and I would argue not good policy for a variety of different reasons.

There is some good policy in this bill, and it is being blocked. I think when the Senator from California offered this amendment, she understood what was going to happen if she offered this amendment, and that was this bill would be shut down, as the last bill was because of a blocking amendment on the JOBS bill to create more manufacturing jobs.

What we would like to see done is a limitation of amendments. I would frankly be happy to deal with all relevant amendments to this bill, no limitation on any relevant amendments, but a limitation on political amendments. Clearly, minimum wage is a political amendment that has been offered numerous times in the past, always seeming to wait until right before election. We never see minimum wage increases offered in odd-numbered years. I do not know if my colleagues noticed that, but it seems to be offered in even-numbered years. So we have even-numbered election issues that are brought up by Senators BOXER and KENNEDY, who said they would like to see this bill pass. They say they would like to see this extended.

I tell my colleagues that the Senator from California in 1996 said: I cannot

support legislation—she was referring to the 1996 welfare reform act—which will throw countless children into poverty. No one expects us to solve the welfare problem by punishing children for being poor. That is what she said in 1996.

So did this bill punish children for being poor? Let us look at the black child poverty rate. The highest rates of poverty in America are among black children, at least they have been. At the time Senator BOXER made that statement, the poverty rate among African-American children was 45 percent. She said this bill will punish children by throwing them into poverty, will punish them because we are going to require their mothers to go to work, we are going to require and put time limits on the amount of time people can spend on welfare because we have an expectation that if one is able-bodied they can work, they should work, and it is beneficial to them and their children if they do work.

So we did a whole bunch of things to create not only a stick to get people to work, but a lot of incentives or carrots to make work pay. We invested a lot of money: Daycare, yes; transportation; EIC. We can go on down the list. We put in a lot of incentives over the last several years to make work pay.

What happened? We have the lowest rate of black child poverty ever in America. Now, one might ask, well, did the other side learn a lesson? Did they understand that actually they were wrong? I know the Senator from California had a picture, and I know the Senator from Illinois at the time, Ms. Moseley-Braun, had pictures of people in breadlines and people sleeping on grates. Have we now admitted this concept of work and the concept of time limitations was, in fact, not a punishment but the real punishment was locking people into dependency and poverty? That is punishing. That is hopelessness.

What we provided in this bill was hope. Have they learned? Well, the proof is in the pudding. The Senator from California comes forward and offers an amendment, shuts down the bill. She will have ample opportunities over the next several weeks to offer an amendment on this issue.

By the way, there have been ample opportunities in the past 15 months to offer a minimum wage increase, and yet on a bill everybody is for, that we want to reauthorize—they say they are not trying to block this bill—15 months go by in the session and we are going to offer an amendment to try to sink this bill.

I encourage my colleagues on both sides of the aisle to offer germane amendments, to withdraw this amendment, let's get to the substance of this issue. This is an important battle to provide hope and opportunity for the poor in our society, to bring dignity into the lives of communities that have been struggling to make ends meet.

Let's stick to this issue and get it done. Let's show the Senate can work on important issues of the day.

One of the things I wanted to talk about—I had talked at length about the general welfare bill and I had mentioned the issue briefly, but I wanted to focus a little more attention on it, the issue the President proposed on marriage.

There has been a lot of debate about marriage in America over the past several months. What I am talking about here is the role of the Government to encourage and promote healthy marriages. The President has a healthy and stable marriage initiative he has put forward.

Why do we want to do this? Do we want to force people into bad marriages? Or bring out the shotgun again and get people to marry even though they may not want to? No. That is not what this is about. No one is suggesting or has suggested we force anybody into marriage. But here is what we have done. The President, and many of us who have been working on this issue for a long time, actually decided to look into the benefits of marriage to children and to women and to men in poverty, and determine what and if there are any benefits. Should the Government be neutral on this issue? Should we stay out of it? Or are there things we can look to that would encourage us to encourage marriage?

Here are some of the benefits we have identified in looking at the data. Children in married homes do better in school. They drop out less. They have fewer emotional and behavioral problems, less substance abuse, less abuse or neglect, including physical abuse, less criminal activity, less early sexual activity, and fewer out-of-wedlock births.

If I said I had a drug that could accomplish all these things for children, we would prescribe it for every child in America. Yet when we say we want to have a program in the welfare system where we are dealing with the poorest children in America who, in most cases, are in some of the worst neighborhoods of America, in the roughest communities in America, who are living in many cases in very difficult family situations—if we say we want to provide these benefits to them, you get the responses: Why do you want to force some rightwing religious agenda on us?

There are actually people who are opposed to the President's proposals, who are opposed to the President's proposals in the face of the benefit to those who we hear a lot about here on the floor of the Senate, how we need more for children. We get a lot of proposals from the Senator from Massachusetts that we can help children by increasing the minimum wage while in fact he provides absolutely no evidence that is the case. In fact, when we had the discussion today, the Senator from Massachusetts said things were better in the 1960s and 1970s and 1980s, when the minimum wage was high.

If you go back to the previous chart on black poverty, I will tell you what else is high: Poverty among African-American children. So if there were a connection between the rate of poverty and the minimum wage, you would think during this time, when the value of the minimum wage was actually going down, black poverty would be going up. Just the opposite is the case. Why? Because most people who earn the minimum wage aren't the heads of households so there is very little connection between increasing the minimum wage and poverty. Why? Because poverty isn't about a little bit more money.

You think: That makes no sense, Senator. Of course it is about more money.

No, it is not. It is about a lot of factors. People who are poor have lives that are just as complicated as those of people who are not. It is about the status of their mothers and fathers. It is about the family unit around them. It is about a whole host of issues that determines whether they will be raised in or out of poverty. To look at one little factor that has no correlation with poverty is the kind of wrongheaded thinking we have suffered under for far too long in this institution.

But in 1996 we changed it. We went to a different model in welfare. Now we are trying to change it again. We know that work works. We also know from the data families work.

If you look at child poverty, it dramatically increases outside of intact marriages. If you have an intact marriage, the percent of time in poverty for the average child is 7 percent, if that child's parents are married.

As we all know, upon divorce many women end up with the children. That is the case certainly the vast majority of time. Many times they also end up on welfare, they end up in poverty, as a result of separation and divorce. That is the case for children born out of wedlock.

This represents children born within wedlock. Some stay, others get divorced.

Here is the situation where children are born out of wedlock and the mother subsequently gets married. The child poverty rate is high, but not as high as in the case where mom never gets married. In that case, the percentage of time children spend in poverty is 51 percent of their childhood, on average.

So we have a situation where we know marriage has a positive impact on poverty. Again, we want to focus on poverty and the health of children. The Senator from Massachusetts spoke about the minimum wage and how important it was, and provided no evidence as to how minimum wage increases would help reduce poverty among children. Let's look at what happens, when marriage is involved, to poverty among children. Married families are five times less likely to be in poverty than are single-parent families. Again, the poverty rate among

those who are married: Among all, 13 percent; among single families, 35 percent; of single-parent families in America are living in poverty.

Shouldn't we have a program that at least suggests when a mother has a child and she is not married and the father is there in the hospital, that we simply ask the question: Are you interested in being married? If both say yes, refer them for counseling to a non-profit in the community, maybe a faith-based organization in the community, somebody who is there to nurture that relationship at a very stressful time in their lives where, without the proper support and help—and in many cases in this situation you don't have a whole lot of family support, you certainly don't have popular culture support for fathers nurturing and caring for their children—can't the Government at least suggest when someone expresses an intent to get married they be given a little help in working through that process, given the demonstrable benefits that would accrue to them and to their children from an economic point of view?

But there is more than economics. Children living with two parents are 44 percent less likely to be physically abused; 47 percent less likely to suffer physical neglect; 43 percent less likely to suffer emotional neglect; 55 percent less likely to suffer from some form of child abuse than children living with a single parent.

There are people who will come here to the floor and say the Government should be neutral with respect to this. In spite of this rather strong statement in support of marriage being the optimal place, a married household being the optimal place in which to raise a child, they will say the Government has no business in this. Yet they will come here and have the Government spend billions of dollars to get results that are one-twentieth of what these results would be in the life of a child.

We will spend billions here to reduce neglect by 2 percent, or 5 percent. That is OK if we spend billions. That is all right. But if we do something as simple as to say, If you are interested in marriage, we will refer you to counseling because we want to actually help you, if you want to be married, to get married and to stay married, that is wrong. Spending billions of dollars on violence prevention programs, that is OK. But the best violence prevention program for a child is a healthy marriage. Spending any money on that, Well, wait, this is a right-wing religious attempt to influence people with a religious agenda. I think we all know from the debate that is going on that marriage is not just a religious event. It is a civil event. It is a public event. It is a State-sponsored event. It is one that is vitally important to the future of our society.

There is another piece of legislation Senator BAYH, Senator DOMENICI, and I have been working on for quite some time. I am hopeful this will not be as

controversial as marriage—that is, fathers should participate in their children's lives.

We actually are going to have some money in this bill that will encourage responsible fathers. It is called the Responsible Fatherhood Initiative which Senator BAYH of Indiana, Senator DOMENICI of New Mexico, and I have been working on for several years. We are able to get some money in this bill to promote that.

Why? I guess it is obvious. Obviously, we would like to have children have some presence of a father in their lives. We understand there is a potential benefit. We also understand there are a lot of fathers unfortunately who are not necessarily good fathers, who may not necessarily be a good influence on children's lives. But there is money to help those fathers become a positive influence in their lives; to take responsibility for not only providing for them economically, which all the previous welfare bills had never focused on—which is getting child support—but actually try to support them in ways beyond the paycheck they happen to bring home that day.

Why? If you look again at the information we have been able to gather about the difference between children being raised with fathers' involvement as opposed to fathers being absent, if you have a father involved in your life versus if you do not have a father involved in your life—if you do not have a father involved, you are two times more likely to abuse drugs and two times more likely to be abused. Why? Unfortunately, in far too many relationships, the boyfriend tends to be the greatest abuser of the child who is not his own. You are two times more likely to become involved in a crime, three times more likely to fail in school, three times more likely to take your own life, and five times more likely to live in poverty.

Again, if we had a program we were funding here in the Federal Government out of the Great Society program that could accomplish all these things, we would be pouring billions in this baby. I mean, there would be cries over here to say, if you have this program that can do all of this, then we are going to spend—you can't outbid us on this because we are going to go home and talk about how we are saving lives, reducing drug dependency, reducing abuse, reducing crime, improving education, and solving the poverty problem.

But then you mention, Oh, by the way, this program has to do with fathers taking responsibility. No, wait a minute, we are not going to do that. You are messing around with families here. No. If you have a Government program that we can hire somebody to fill that role, fine, but we can't encourage fathers. Why would we want to do that? Who are we to be judgmental about getting fathers involved with children's lives? That is not the role of the Government. What is the role of

Government to mess around with the family?

Because we know what works. Americans know what works. We have known it for 200-plus years. We know that stable families is the place which has the greatest opportunity to produce stable young children and adults. Yet somehow we can't be on the side to save the family, we can't be on the side of marriage and responsible fathers. At least we haven't been in the past.

I am hopeful that we have an opportunity in this bill to come down on the side of the family, to come down on the side of mothers and fathers taking responsibility for their children from the very beginning. And the Government should be there to simply ask and encourage and provide support if they want to, not to force anybody into anything.

We have an obligation if we know what works to do it. If we know what works and we can have some positive impact on the lives of children, then we have an obligation to do it. We are doing it here with a very small amount of money. The marriage proposal I think is \$100 million Federal, \$100 million matched by the States, and then a separate \$100 million. It is \$300 million. Excuse me. It is \$100 million from Federal and \$100 million from the States over 5 years, which is \$1.5 billion. I argue that is a fairly modest sum of money for the tremendous benefit that will accrue not just to the children, but which is going to accrue to fathers who will take responsibility for their children.

Imagine the change in neighborhoods. Imagine the change in neighborhoods where 70 percent of kids, 80 percent of kids are born out of wedlock, and within a year 90 to 95 percent of those kids have no father involvement in their lives. Imagine the change in the neighborhood, which is permeated by single mothers and fathers who are attached to nothing except other irresponsible fathers—we call those gangs—or they are not attached to that neighborhood at all because they are in jail. Imagine the neighborhoods with fathers in the homes. Imagine the neighborhoods with role models of responsible manhood and fatherhood.

I have talked to so many people who grew up in neighborhoods with high concentrations of fatherlessness and how they were inspired by the one or two fathers they knew who weren't their own, but the one or two men in the community who were responsible fathers who gave them hope and who taught them responsibility. Imagine how we could change neighborhoods if we simply brought mothers and fathers back together in those neighborhoods, and how that dynamic would change.

Dare we come down on that side? Dare we invest in trying to change their pathology that has attacked so many neighborhoods in our society? I say yes. I say we have an obligation to do that.

Let me get to the economics of this. Fatherhood involvement increases

child support. The States that, unfortunately as a result of the 1996 Wofford law, are concerned about establishing paternity and getting the money, I say to the States, which will be the instrument by which these programs will be implemented, they will have to play a part. They will have to put up some money to do this.

I make the argument it is to their financial benefit to do it. Even though it will cost some money for the programs, I make the argument to the States that if you can get fathers involved in the lives of their children, you will not have to spend as much time chasing down fathers to provide child support, and in many cases not getting that child support, but you will have a better connection with your children which means a better life, and we will actually save the States some money.

I hate to make the economic arguments to the States, but those are the facts. I am hopeful the States will understand this is not just good for their neighborhood, this is not just good for men, it is not just good for women and for children, and for society at large, it is also good for their bottom line and their ability to provide services to the poor.

This is a good piece of legislation. It is not perfect. There are things in this bill I do not like. But we move the ball forward. We increase work a modest amount, a responsible amount. As someone who was in this chair leading the fight in 1996 for this bill and wanting the tough requirements on work, I am not someone who believes we need to dramatically increase that requirement. I know there will be an amendment potentially if we ever get to this bill to increase the work requirement to 40 hours. I will vote against that. The reason is because we do in this bill increase the actual work requirement from 20 hours to 24.

What does that mean? That means the amount of hours someone must be in work in order to be eligible for this program, assuming they did not get off the program to work themselves, they are actually on welfare but working, is increased from 20 to 24 hours. Then we have an additional 10 hours that was in the 1996 act that stays the same, an additional 10 hours to bring the total up to 34 hours. That 10 hours being sort of wraparound issues, whether it is job search or other types of improvement that individuals may be working on to get a better job, to increase their educational skills, get their GED, whatever the case may be.

It is important to have a tougher work requirement to take single mothers out of the home for 40 hours a week, of which 16 of those hours will not be actually working—I don't see the benefit. What we have seen from all the studies is the thing that works the most is work. While these women—it is predominantly, overwhelmingly women—are not in a job outside of welfare, not on a payroll outside of welfare, they still are working and getting work experience.

The additional time is well spent to actually find a job outside of welfare, but I don't think at least at that point in time, because of the transition of a 40-hour requirement, that is going to be beneficial in the long term for these women. I will not support that.

I would have supported a modest increase in daycare funding. What we have done is fundamentally change the expectation of what daycare is. This is more money than people on welfare could ever hope to need when it comes to daycare. This is a whole other agenda trying to be advanced on the bill in the name of welfare to work. But it is simply universal daycare under a different guise. I will not support that.

But we have a lot of steps taken in the right direction in this bill. I am hopeful, again, we can get bipartisan cooperation from people who understand the importance of this legislation in getting it passed and putting those work requirements back on 28 States that right now do not have them so we can begin the process again in turning lives around and improving the quality of lives of children in the poorest neighborhoods in our society.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

HARRY BURK REID, MY 15TH GRANDCHILD

Mr. REID. Mr. President, I wish the people I work with in the Senate knew my father. My father was named Harry Reid, the same name I have. I always looked up to my dad. My dad was uneducated. He didn't graduate from eighth grade, but he was very smart. My father read a lot and he could do things people in college could not do.

For example, he was a miner and he could go underground with a compass, come above ground and do a map. People in college cannot do that. He could do underground mapping. He was a carpenter. He could completely overhaul an engine, a valve job, the whole works. He was a blacksmith, hit tempered steel, all that kind of stuff. And he was a much bigger man than I. I always admired his physical strength. He could put a 50-gallon drum full of water or gas, whatever, in the back of a truck by himself.

The reason I mention Harry Reid tonight, my father, is last night my 15th grandchild was born, a little boy. As I said, I have 15 grandchildren now. The reason I mention my father is because my son told me, this morning, that they have named my grandson after me. So I have a little grandson named Harry Reid.

I hope, as the years go by, that little boy will look at his grandfather in the same way that I looked at my dad.

I am proud of the name Harry Reid. I even sign my "H" like my dad did. My

dad said once he saw on a window an "H" like that, like I sign my name. So that is the way children are in looking up to their parents and grandparents.

As I said, I hope I can set an example that my grandson will respect and admire. I know it is a burden, and I say this seriously, to have the name Harry Reid, because I have a lot of people who like me, but I have a lot of people who do not like me because of my political stands.

But separate and apart from all that, I hope my grandson will have an example set by me that is one he will believe in—family and keeping families together—and being a young man who conducts himself in a proper manner, and that, hopefully, some of the things I have done and will do will be something he will look to as a role model that maybe he will adhere to.

So I want the RECORD to reflect how much I appreciate my son Josh and his lovely wife Tamsen for giving me this great honor and to have someone who, through all generations of time, will be the third Harry Reid. I am not a junior because my dad had no middle name. And this little boy is not a junior, or could not be anyway, because I am not his father. His name is different. He has a different middle name, Burk, named after his other grandparents, their last name.

So anyway, I am flattered and respectful of my son and daughter-in-law for naming the child after me. I want the RECORD to reflect how much I love and appreciate my son Josh and all my children who have done so much to honor me with their exemplary lives, at least from a parent's perspective.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

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

SENATOR KERRY'S RECORD

Mr. FRIST. Mr. President, we are currently discussing plans both for later tonight and tomorrow and the next 2 weeks. I had the opportunity to talk to the Democratic leader, and that discussion will go on for a while. While we are in, and have been in a quorum call, I wanted to take the opportunity to address an issue that has to do with gasoline prices, energy policy, something that every single American who drives or benefits from driving is feeling; that is, the price at the gasoline pump.

The distinguished Senator from Massachusetts was in the news this morning expressing his concern about rising gasoline prices. He is right to be concerned. We are all concerned. But what he should be concerned about is his own dismal record in terms of addressing this very issue. Again and again, he has taken positions that result not in

what Americans want—that is, lower gas prices—but again and again in his position as a Senator and before, he has been on the other side and engaged in policies and supporting policies that drive the price of gasoline higher and higher.

The Senate record is familiar to most, but in 1983, when he was Lieutenant Governor in Massachusetts, the Dukakis-Kerry administration supported a \$50 million gas tax hike on the citizens of Massachusetts. In 1993, in the Senate, he voted for the largest tax increase in American history, the Clinton tax bill, which increased the Federal gasoline tax by 4.3 cents. He also voted twice for the Clinton-Gore Btu tax which, had it been signed into law, would have increased gas taxes by another 7.5 cents per gallon.

The following year he backed a 50-cent increase in the gas tax for all Americans. He wrote a letter at that time to the Boston Globe expressing his disappointment that a scorecard issued by a deficit reduction organization in Washington did not accurately reflect his support for this half-dollar gas tax increase.

The list goes on. The Senator from Massachusetts also wants the United States to accept the Kyoto Protocol which, according to Wharton Economic Forecasting Associates, would raise gasoline prices an additional 65 cents per gallon. And just last year, Senator KERRY voted for climate change legislation which would have imposed a Kyoto-style regulation on 80 percent of the U.S. economy and would have raised gasoline prices by 40 cents a gallon.

That is a little bit of the history and the background for this new concern about gasoline prices by the Senator from Massachusetts, Mr. KERRY.

Put aside a moment the impact that these proposals would have had on an issue that we have talked a lot about on the floor today, and that is jobs and the importance of job creation. The most immediate impact, the most immediate result of Senator KERRY's positions would be to force America's consumers to pay at least a dollar more for each gallon of gasoline they purchase, and that is a conservative estimate.

It is also worth noting that Senator KERRY has consistently opposed any increase in domestic production of energy and any proposal that would reduce our dependence on foreign oil. The Energy bill, which we all know fell two votes short in the Senate last year, is probably the most recent example. Senator KERRY has expressed opposition to this measure, although he was not present in the Senate when we cast that critical vote on the conference report.

In opposing the Energy bill, Senator KERRY is opposing not just the creation of 800,000 new jobs, he is opposing the development of new domestic resources, new resources that come in the United States, including such

things as renewable resources such as wind and solar energy. To that you could add clean burning ethanol, and to that you could add advanced coal technology or zero emission nuclear energy and, yes, the development of domestic oil and gas resources as well.

I come to the floor to mention all of this, especially mentioning his record on the floor of the Senate, because it is simply very difficult to take seriously Senator KERRY when he says he is concerned about high gas prices and then blames others for not having addressed them. Throughout his career, Senator KERRY has consistently taken positions that will result in even higher gas prices and lower domestic supplies of energy and jobs lost.

If the Senator from Massachusetts, indeed, wants to engage in a serious discussion about energy policy, I ask that he come back to the Senate and help us do what we should be doing, and that is pass an Energy bill which he and his party unfortunately have been blocking for months.

I appreciate the opportunity to review the record since we had this available time. I do challenge Senator KERRY to engage in a serious discussion about helping us pass that very policy which we know would lower gasoline prices in the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATOR KERRY'S RECORD

Mr. DORGAN. Mr. President, having just heard the majority leader come to the floor of the Senate and discuss the record of my colleague, Senator JOHN KERRY, I thought it might be useful to respond just a bit.

This Chamber, given some of the dialog—and especially the dialog I heard a few minutes ago—only lacks the balloons, the buttons, and the brass band for being a political convention in a full-scale support of a candidate in a Presidential operation, a Presidential campaign.

It is not my desire nor my intent to talk about the Presidential race. But when I hear people come to the floor and decide to talk about JOHN KERRY's record on energy as a Member of the Senate, I think it is important to respond.

There are a great many allegations being made about Senator JOHN KERRY's record and many—most that I have heard recently—have been flat out untrue, just wrong. One of the great things about the First Amendment in this country is you can say whatever you want to say and, in politics, you can misrepresent someone's record and nobody seems to care very much.

Let me talk for a couple of minutes about these issues. First of all, let's talk about the energy bill. We don't have an energy bill right now. Do you know why? It failed by two votes in the Senate. I voted for it. So did the minority leader. Do you know why it failed by two votes in the Senate? Because the majority leader in the U.S. House stuck a provision in that bill that cost him four, or five, or six votes against the bill in the Senate. Now I hear the majority leader of the U.S. House blame Senator DASCHLE for us not having an energy bill. I looked at that in the paper and I thought, what on earth can he be thinking about? He killed the energy bill by sticking in this insidious provision, a retroactive waiver on MTBE liability. He stuck that provision in. He demanded it. It was killed on the floor of the Senate by two votes.

That bill would have passed the Senate easily without that provision stuck in by the majority leader of the U.S. House. So to have him talk about Senator DASCHLE as somehow holding up the energy bill in this country doesn't make much sense to me. It is just wrong. He is the one who killed that bill on the floor of the Senate with this provision that he inserted.

As to the comments this evening, we have the majority leader come to the floor of the Senate and he seems to imply that my colleague, JOHN KERRY, is against production, against conservation, against efficiency, against renewables. Nonsense. Absolute nonsense. I can tell you what Senator KERRY is for. I sat in meeting after meeting with him over recent years on energy policy, most of which I agree with him on. Sometimes we disagreed.

I will tell you something. This is a man who is very concerned about energy policy in this country. When we talk about these issues, it seems to me it would best behoove us to talk seriously about serious issues.

That has not been the case with respect to Senator KERRY's record on energy, as misrepresented on the floor of the Senate this evening. So let's talk about a couple of these issues.

Renewable energy: Senator KERRY supports renewable energy—wind energy, biodiesel energy, a whole series of areas of renewable energy—that will improve this country's energy supply and extend America's energy supply. He supports it.

Efficiency titles in the Energy bill: Senator KERRY very much supports improved efficiency of all the appliances we use every single day.

Conservation: Senator KERRY has a very strong record on conservation, and the same is true with respect to production.

There has been a lot of misrepresentation. In fact, I heard some misrepresentation recently that Senator KERRY voted for a 50-cent-a-gallon gas tax increase. That is totally untrue, just wrong, flat out wrong.

Talk is cheap so people can come here and assert whatever they like, but

when I hear it, I am going to come to the floor of the Senate and say it is not true.

The fact is, this country chooses its leader by going to the ballot box, and this country is owed a serious debate about serious issues. Regrettably, it too seldom gets a serious debate about serious issues. Yes, energy is a serious issue and we have a very serious energy problem and we need an Energy bill passed in the U.S. Congress. Do not blame Democrats for the failure to pass an Energy bill. It failed in the Senate by two votes. It passed the House and failed in the Senate by two votes, and everyone here understands that at least four or five of those two votes that would have been used to pass that bill resulted in a negative vote because of what the majority leader in the House did. Everyone understands that. All you have to do is read a newspaper and you will understand that. People are concerned about the price of gasoline in this country, and they should be. When I say we need an energy policy, we are now close to 60 percent of our oil coming from off our shores, often from troubled parts of the world. That is dangerous. The fact is, our economy is reliant on energy sources from parts of the world that are very troubled. If we want to keep importing oil from Iraq, Saudi Arabia, Kuwait, Venezuela, and other parts of the world, the fact is it will injure us inevitably, it will injure our economy, and it will injure our opportunity to create new jobs, expand and provide hope and opportunity for the American people.

We need to go much further than the kind of debate we traditionally held on energy issues, and that is where Senator KERRY talked about the future. We need to talk about issues such as hydrogen and fuel cells and pole-vault over some of this to talk about how we are going to avoid in the future putting gasoline through carburetors and being dependent on OPEC countries.

Tomorrow there is a meeting of OPEC ministers. They already cut production and are talking about cutting production again. This country ought to jawbone and use the leverage we have to say we need increased production. We have gas prices that are going through the roof.

I do not know what the President is going to do, whether he is going to involve himself and try to jawbone OPEC, but I think he should. We have a serious problem, and it is not just the current spike in gas prices. That happens. It is now happening because of a series of factors. One is the cutback in OPEC production. The second is an imbalance with respect to fuels that are coming into refineries and the lack of refinery capacity. There is a whole series of factors. Even as we address the shorter term, we have to think about the longer term.

I will say to those who want to be critical of Senator KERRY's record, there is nobody in the Senate, in my judgment, who has cared more and

worked harder for longer term solutions for an energy policy in this country. It does not serve the country or responsible political debate to come to the Senate and slap people around with bad information. I am sick and tired of that. If you want to turn this into a political convention, get some balloons, bunting, put up crepe paper, hire a brass band, and pretend this is a political convention. But it is not a political convention. This is the Chamber of the United States Senate, and we ought to, it seems to me, talk about what the real policy positions are of the respective candidates and have a competition of ideas.

I, frankly, think both political parties have something good to offer this country, and the interaction of both parties and responsible debate over a long period of time strengthens our country. But I get a little weary in this machine that is so relentless in trying to misrepresent someone's position and slap that misrepresentation around for a while. That is not the way this Presidential campaign ought to be waged. It is not fair to Senator KERRY, who is not in this Chamber, for people to come and mischaracterize his record. I understand people have the right to do it. I am just saying it is not fair. So I hope as we begin to think through some of these issues in the future that we understand there is a place for a political campaign for the Presidency in this country. It is in Ohio, New York, Nevada, North Dakota, Texas, and California—all around America—and there the bands do play, and there the balloons are used to great effect, and people love the political system. That is fine. But I worry a lot about the Senate Chamber being used to misrepresent someone's position on an issue that is as important as this.

What bothered me and persuaded me to come to the Senate floor this moment are two things: One is something I read in the newspaper about 2 or 3 days ago in which the allegation by the majority leader of the other body was it was Senator DASCHLE who was holding up an Energy bill. Nonsense. The majority leader of the other body is the one who killed the Energy bill by putting in this insidious provision, a retroactive waiver of MTBE liability. That is a plain fact.

Second, I heard a speech on the floor of the Senate a moment ago that was just a pure campaign speech that had nothing to do with the merits on one side. It had everything to do with misrepresenting the merits on the other side. That is unfair. I am going to come to the floor again when I hear this done.

I hope the American people are treated to a serious debate about serious issues. Energy is a serious issue. JOHN KERRY is a serious candidate for the Presidency, and he has strong positions, I think defensible positions, on energy dealing with production, conservation, efficiency, renewables, and more. I am sure if he were here to

stand up and speak in response to the majority leader, he would want to do that.

I came to the floor simply to say I hope the American people are treated to a debate that is accurate about energy positions and energy policy by the two candidates. I, for one, feel very comfortable with the long-term view of energy policy as advocated by Senator JOHN KERRY.

Mr. President, I yield the floor.

Mr. REID. Mr. President, will the Senator yield for a question through the Chair?

Mr. DORGAN. I will be happy to yield for a question.

Mr. REID. Mr. President, I have not been able to hear all of the statement of the Senator from North Dakota, but I am sure, as always, it was right on the point. There is something I would like to direct in the form of a question to him.

I was asked to appear on a television show this afternoon, and I was happy to do that. The reason I appeared on the show was to respond to some TV ads that are starting tomorrow where the Bush campaign is paying millions of dollars to run an ad around the country that is absolutely fabricated. The ad said Senator KERRY voted for a 50-cent-per-gallon gas tax increase. Is the Senator aware that this statement is baseless, never happened, and that millions of dollars are going to be spent starting tomorrow saying Senator KERRY has previously in the Senate voted for a 50-cent-a-gallon increase in taxes for gasoline?

Mr. DORGAN. Mr. President, I say in response to the question from the Senator from Nevada, I have done what little research I could, because I understood this ad was being set to run across the country that said Senator KERRY has voted for a 50-cent-a-gallon gas tax increase. My understanding is it is simply untrue. If somebody has evidence of which I am not aware, bring it to the floor. My understanding is it is not true.

It is similarly not true that Senator KERRY is opposed to renewable fuels, opposed to conservation, opposed to increased efficiency of appliances which was alleged a few minutes ago on the Senate floor. They are not grounded in fact.

As I said, everybody has a right to say these things. It is the political system. This is the floor of the Senate, and those of us who hear something we know is demonstrably false also have a right to come to the floor to say this is not the best of what this system has to offer the American people. This ought to be a competition of ideas of both sides using facts and saying here is where one stands and here is where the other stands, and here is why and take your pick. That is what the political system ought to be about.

To the extent there are exaggerations—and there sure are in politics; they occur on the political stage all around the country—that is fine as well; that is politics.

It is a bit different especially to come to the Senate floor and misrepresent the record of Senator KERRY.

I yield the floor.

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

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

AMENDMENT NO. 2943

Mr. CORNYN. Mr. President, I rise to discuss amendment 2943, which is the Cornyn-Bingaman amendment. I ask unanimous consent that Senator KENNEDY be added as a cosponsor to that amendment.

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

Mr. CORNYN. This amendment is very simple. It would correct a technical problem caused during the passage of the Responsibility and Work Opportunity Reconciliation Act in 1996. Section 411 of the welfare law reads that State and local governments may not use their own resources to provide nonemergency health services to non-qualified immigrants unless the State has passed new legislation authorizing such expenditures.

This provision has caused quite a bit of confusion. As a matter of fact, when I was Attorney General of Texas I was asked to interpret this provision. It was during the course of that official action that I discovered the Federal law, because our State legislature had not acted, had unintended consequences. It is safe to say this provision has been read by State and local governments with varying interpretations.

Essentially, the current law imposes a double standard on State and local governments. Because certain Federal public health programs are exempt from this requirement, identical State and local government health programs are not. The end result is more legal and administrative costs on State and local governments, even though the provision has no enforcement mechanism. Even without the confusion, section 411 makes no practical sense. We should not put up more roadblocks for those who want to provide preventive treatment, especially when it comes to potential community problems such as infectious diseases.

By giving localities control over preventive services, here again at their own expense, not at Federal taxpayers' expense, we ensure local funds are spent where the people who know best believe they should be spent. Ultimately, this will have the effect of driving down health care costs by preventing treatable illnesses before they become acute and before they require expensive taxpayer-supported care, usually in an emergency room where anyone, no matter who they are, knows

they can be treated and indeed must be treated according to a Federal mandate which I know is an interest of the presiding Senator, particularly because it is an unfunded Federal mandate.

Our amendment would simply strike the word "health" from section 411 of the welfare law. This step clarifies that State and local governments can use their own funds to provide health services to immigrants, including primary and preventive health care and infectious disease services, without enacting a new law. It is a commonsense step and one I hope my colleagues will support.

This amendment is also widely supported by several well-respected national associations, including the American Hospital Association, the National Association of Public Hospitals and Public Health Systems, the National Association of Counties, and the Catholic Health Association.

AMENDMENT NO. 2942

I also want to briefly discuss another amendment, No. 2942. I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor to this amendment.

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

Mr. CORNYN. The Senator from Connecticut has a deep understanding of the importance of child support enforcement, and I like me, learned about how critical that issue is during his service as his State's attorney general, as I did during my service as attorney general of my State.

This amendment features two positive reforms for child support enforcement. It encourages States to adopt electronic payment systems by 2008. While States can opt out of that if they choose to, it will help get payments to custodial parents more quickly than is currently done now. It creates an option for States to centralize all child support payments to reduce confusion among employers who withhold child support payments from the wages of their employees, and it will ensure children get the financial support they need on time which, of course, is our universal goal.

I hope my colleagues will support this second amendment as well.

I ask unanimous consent that letters of support from each of these organizations be printed in the RECORD, and I yield the floor.

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

NATIONAL ASSOCIATION
OF COUNTIES,
March 30, 2004.

Hon. JOHN CORNYN,
Hon. JEFF BINGAMAN,
*Hart Senate Office Building,
Washington, DC.*

DEAR SENATORS CORNYN AND BINGAMAN: On behalf of the National Association of Counties (NACo), I would like to express our support for the Cornyn-Bingaman amendment to the Personal Responsibility, Work, and Family Promotion Act of 2003. The amendment, as you know, would clarify that states

and counties may use their own funds to provide critical preventative health care services to immigrants.

NACo is the only national organization representing county governments. Many of our country's 3066 counties own and operate hospitals and other health care facilities. Without the passage of this amendment, county governments are placed in a precarious position if they decide to provide preventative care to unqualified immigrants in order to protect the local community's health. As has been repeatedly demonstrated, the provision of preventative care is less costly over time than providing evasive services in emergency rooms. However, the cost savings to preventative care are far outweighed by the protection provided to the community's public health as a whole.

Counties serve as safety-net providers, ultimately financing and providing care for our Medicaid ineligible and un-enrolled populations. We support the ability to finance this care in the most appropriate manner.

Thank you for your leadership and efforts to ensure that counties are able to protect the health of our local communities. We look forward to working with you on this important issue.

Sincerely,

LARRY NAAKE,
Executive Director.

THE CATHOLIC HEALTH
ASSOCIATION OF THE UNITED STATES,
St. Louis, MO, March 30, 2004.

Hon. JOHN CORNYN,
*Hart Senate Office Building,
Washington DC.*

DEAR SENATOR CORNYN: On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more than 2,000 Catholic health care sponsors, systems, facilities, and related organizations, I am writing in support of your efforts to ensure that state and local governments have the ability to use their funds to provide non-emergency health services to legal and undocumented immigrants.

Specifically, CHA supports your amendment to strike the word "health" from Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which has been interpreted by some states to prohibit the use of any state and local funds to provide lifesaving health care to immigrants. This interpretation stands in sharp contrast to the thrust of PRWORA, which generally gave states greater authority to determine welfare rules, and the resulting confusion has had a negative impact on the health of immigrants in many states.

By clarifying that states and local governments may use their own funds to provide health services to immigrants, including important preventive care, your amendment can help ensure that hospitals and clinics have the clarity they need to serve the best interest of all of their patients. As organizations founded in a faith tradition and committed to the principles of Catholic social justice teaching, Catholic hospitals recognize and affirm the inherent dignity of every human being. Your amendment helps to further that principle.

Thank you again for your efforts to ensure that state and local governments have the certainty they need to use their own funds to provide appropriate health care to all immigrants. If we can be of any assistance, please do not hesitate to contact us.

Sincerely,

Rev. MICHAEL D. PLACE, STD,
President and Chief Executive Officer.

Mr. DEWINE. Mr. President, I would like to commend the Senator from

Maine, Ms. SNOWE, on the passage of her amendment to increase the mandatory funding levels for the Child Care and Development Fund by \$6 billion over 5 years. I enthusiastically support this amendment, as it is designed to help so many families with young children by ensuring that those children are properly cared for while their parents are at work.

Unfortunately, we know that more than 10 million children in the United States are left unsupervised after school on a regular basis. We know that the welfare rolls have been cut nearly 60 percent since 1996, and therefore, this statistic will only continue to grow as more and more parents work. Further, with cuts in State childcare funding, many working families are faced with no care for their children due to waiting lists and higher childcare costs.

But, with the passage of this amendment, my home State of Ohio alone would receive over \$34 million in additional childcare funds next fiscal year and more than \$266 million over the next 5 years. This translates into more children receiving care and more parents with the peace of mind that their children are being properly attended to while they cannot be at home.

Again, I commend Senator SNOWE for her leadership on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, we are in discussion now determining the best pathway to completion on the underlying bill, the welfare bill, an important bill that I know both sides of the aisle do want to appropriately address, through amendments and through the debate process, and we are working on the best way to accomplish that.

As I set out really 3 weeks ago, but in the early part of last week, we have set this week aside to address welfare and we are doing just that. But I really need to do everything possible to see that we do complete it this weekend. To help accomplish that, I will be sending a cloture motion to the desk on the pending committee substitute.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the sub-

stitute amendment to Calendar No. 305, H.R. 4, an act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

Bill Frist, Charles E. Grassley, John E. Sununu, Conrad Burns, Lamar Alexander, Peter G. Fitzgerald, Larry E. Craig, John Cornyn, Robert F. Bennett, John Ensign, Orrin G. Hatch, Mike Enzi, Mitch McConnell, Ted Stevens, Norm Coleman, James M. Inhofe, Kay Bailey Hutchison.

Mr. FRIST. I ask unanimous consent the quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. FRIST. Mr. President, for the information of Senators, we will be closing here shortly, as soon as we wrap up a few things in a few minutes.

CAMBODIA TRAGEDY REMEMBERED

Mr. McCONNELL. Mr. President, today marks the seventh anniversary of the grenade attack against the Khmer Nation Party, renamed the Sam Rainsy Party, in Cambodia.

Recently, my friend from Arizona circulated a letter, which I gladly signed, calling for the Federal Bureau of Investigation to return to Phnom Penh to continue its investigation into the attack. I encourage the State Department and the FBI to coordinate efforts to ensure the FBI's quick return and to keep Congress informed of any progress in this case.

As I have in the past, I ask unanimous consent that the names of those murdered in this cowardly attack be printed in the RECORD following my remarks. Justice delayed has been justice denied for these victims and their families. They remain in my thoughts and prayers.

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

Mr. Cheth Duong Daravuth, Mr. Han Mony, Mr. Sam Sarin, Ms. Yong Sok Neuv, Ms. Yong Srey, Ms. Yos Siem, Ms. Chanty Pheakdey, Mr. Ros Sear, Ms. Sok Kheng, Mr. Yoeun Yorn, Mr. Chea Nang, and Mr. Nam Thy.

A DECADE OF EXCELLENCE

Mr. DASCHLE. Mr. President, every year, hundreds of thousands of high school students participate in team sports and other extra curricular activities. Through these activities, many young people learn the value of working together with others, and the meaning of hard work sacrifice.

These activities also teach our Nation's students to set their sights high,

by demonstrating that remarkable achievements come only with hard work and dedication. Today, I pay tribute to a group of young women from Madison High School in Madison, SD, who have proved this fact time and time again, most recently by extending one of the more remarkable winning streaks in our Nation.

On February 20, 2004, the girls' gymnastics team at Madison High won the Class A state title for the tenth consecutive season.

For the first seven titles, the Bulldogs were led ably by coach Linda Collignon. Since then, Madison has come full circle, having been led to the last three titles by Maridee Weise, a member of that first championship team.

It has been a long road for the Madison High team. In the early days of the gymnastics program at Madison High, many of the student-athletes would make the 90-mile round trip from Madison to train at a gymnastics facility in Sioux Falls. In time—and under the leadership of Coach Collignon—members of the Madison community volunteered to build a training facility on the high school campus, saving the school district more than \$100,000. It is that kind of community involvement and interest in its youth that has helped establish Madison's tradition in the sport.

Each day at practice, these student-athletes are motivated by a drawing of the classic World War II symbol, Rosie the Riveter, and the phrase "We Can Do It!" They have not only come to recognize the truth in those words, they have lived up to them.

I ask my colleagues to join me in saluting these student-athletes and their coaches on their latest championship, and on their truly remarkable run. I am proud to ask unanimous consent that the 2003–2004 Madison High School girls' gymnastics team roster be printed in the CONGRESSIONAL RECORD.

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

Team members: Kari Schaefer, Brittany Postma, Brooke Postma, Landra Tieman, Jenny Poppen, Katie Keegan, Katie Breuer, Heidi Mogck, Kassie Finck, Sara Rogers, Heather Williams, Theresa Knapp, Katie McKenzie. Head Coach: Maridee Wiese, Assistant Coach: Kindra Norby, Student Manager: Erin Blom.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

A high school senior in Perry, IA, was harassed for 4 years by students who believed him to be gay. The high

school student was repeatedly pushed, shoved, and verbally attacked with anti-gay epithets. Students had also urinated on the high school senior in the shower after wrestling practice.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONGRESSIONAL GOLD MEDAL TO DOROTHY HEIGHT

Mr. LEAHY. Mr. President, last week Dr. Dorothy Height was awarded the Congressional Gold Medal in a ceremony in the Capital rotunda, on her 92nd birthday.

Dr. Height is a living legend. She is widely recognized as one of the pre-eminent civil rights leaders of modern history. Dr. Height has been a tireless advocate for equal rights for women, African Americans, and others for more than 65 years. From 1944 and until 1977, Dr. Height served on the National Board of the Young Women's Christian Association YWCA. In 1965, she launched the Center for Racial Justice at the YWCA, and she served as its director until 1977.

Currently the Chair and President Emerita of the National Council of Negro Women, Dr. Height became its fourth president in 1957. Under her leadership, the NCNW made substantial contributions and advances—both for the greater community of African American women and as an organization. Dr. Height led the NCNW to establish the first institution devoted to Black women's history, secure the Mary Bethune Council House designation as a national historic site, achieve tax exempt status for the NCNW, and bring the NCNW to national prominence.

Dr. Height played an active leadership role in virtually every major civil and human rights cause since the 1960s. She was the only woman at the table when Dr. Martin Luther King and the "Big Six" civil rights leaders made plans for the civil rights movement. Her life of distinguished service has been recognized with over 50 awards, including the National Council of Jewish Women's John F. Kennedy Memorial Award, the Congressional Black Caucus's William L. Dawson Award, the Ladies Home Journal's "Women of Year," the Presidential Medal of Freedom from President Clinton, and now the Congressional Gold Medal.

It is rare that Congress comes together to grant this award, but Dr. Height's life's work epitomizes the distinguished commitment to serve for which it was created to recognize. I congratulate Dr. Dorothy Height for nearly a century of remarkable leadership.

THE SITUATION IN DARFUR

Mr. FEINGOLD. Mr. President, I rise to comment on the ongoing crisis in Darfur, a region in western Sudan that has been the site of atrocities for months. A recent report from the International Crisis Group spells out the horrifying facts of the situation. The report indicates that 830,000 people have been displaced as a result of the conflict, and thousands have been killed. Government-supported militias have deliberately targeted civilians, sometimes focusing on unprotected villages with no apparent link to the rebels other than their ethnic profile. According to credible reports, militia atrocities have included indiscriminate killing and mutilation, rape on a massive scale, and the looting and destruction of food reserves and other property. Outright and indiscriminate government bombing has also been verifiably reported since the conflict began.

We must ask ourselves two questions. First, what can be done to help the innocent men, women, and children caught up in this nightmare? The U.S. must work with the international community to signal our collective resolve and to insist that the Government of Sudan stop playing games with humanitarian access. Khartoum needs to feel the pressure, and all parties need to work urgently for a settlement.

But we must also ask, what do these developments in Darfur tell us about the Government of Sudan? The reports from the region seem to confirm that the Government of Sudan has no qualms about backing attacks on innocent civilians.

I want the administration's extremely laudable peace initiative in Sudan to succeed. Many dedicated professionals have devoted countless hours to this enterprise, and many courageous Sudanese have taken difficult steps in the pursuit of a just peace. But my doubts about the prospects for a future of peace and cooperation are growing, rather than dissipating, at each new report on the Darfur crisis. I doubt the stability and sustainability of a peace agreed to by a party that accepts organized atrocities as just one more tool in its toolbox of governing. What kind of peace can be achieved with this kind of partner? Can we truly have confidence in this government's good faith? What kind of future cooperation can we realistically expect?

As a member of the Foreign Relations Committee's Subcommittee on African Affairs, I have been engaged on issues relating to Sudan for many years. I was proud to work with my colleague on that subcommittee for several years, Senator FRIST, on the Sudan Peace Act. I recognize the complexity of Sudanese dynamics, and I certainly understand that the situation in Darfur is different from the conflict between the Government of Sudan and

the forces of the south, most prominently the Sudanese People's Liberation Movement. But some of the elements of the Darfur crisis are, unfortunately, quite familiar. We have seen obstacles thrown up to humanitarian access, we have seen the near-total abdication of responsibility for the basic security and well-being of Sudanese civilians, and we see government-backed militias employed to keep some of the dirtiest of the dirty working at some token distance from officials.

On December 16, 2003, the State Department issued a statement expressing "deep concern" about the humanitarian and security situation in Darfur. The statement indicated that:

the United States calls on the Government of Sudan to take concrete steps to control the militia groups it has armed, to avoid attacks against civilians and to fully facilitate the efforts of the international humanitarian community to respond to civilian needs.

But it then contained this final sentence:

The fighting in Darfur is not linked to the ongoing peace talks between the Government of Sudan and the Sudan People's Liberation Movement/Army in Kenya.

I am among many observers who fear that this sentence was interpreted in Khartoum as a signal that the disincentives articulated by the U.S. in the context of the peace talks will not be applied because of abuses in Darfur.

I urge the administration to insist that the Civilian Protection Monitoring Team be permitted to investigate alleged attacks on civilians throughout the country, including attacks in Darfur. The Government of Sudan should have no formal or informal veto power over this team's investigations. The team was established as a confidence-building measure, and it was agreed to by all parties. But to suggest that the Government of Sudan should be able to pick and choose areas in which the team is permitted to conduct its inquiries undermines confidence.

I do respect the fact that delicate diplomacy is ongoing, and I want to be able to celebrate a lasting end to Sudan's north-south civil war as much as any Member of this body. But none of that changes the fact that what is happening in Darfur is inexcusable, it is undermining the Naivasha peace process, and it is casting a pall over the future of Sudan at a time when light had finally begun to shine on that long-suffering country. It is time to stop expressing quiet concern, and to start treating this crisis with the urgency it deserves.

WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, in conjunction with the March celebration of Women's History Month, I rise today to salute a number of women who have dedicated themselves to the fight against global AIDS and HIV.

This year the theme of Women's History Month is "Women Inspiring Hope

and Possibility." It may seem that phrase is too broad—and a month is too short—to fully recognize or appreciate the many and varied accomplishments of women throughout the years. From the medical professional who administers compassion along with her care, to the educator who inspires her pupils and allows them to achieve, to the mother who installs in her children feelings of worth and value, women foster hope and opportunity in their everyday actions.

While traditionally this month is used to commemorate women from the past, it seems fitting that we take some time to look at modern-day heroines. Today, the women we honor are busy ensuring that HIV/AIDS will soon be relegated to a chapter in history—a terrible and sorrowful chapter but history nonetheless.

There are 42 million people throughout the world living with HIV/AIDS. We saw more than 3 million AIDS-related deaths in 2003. Each year, AIDS deaths claim more than the entire population of Chicago. Life expectancy has dropped below 40 years of age in 10 countries in sub-Saharan Africa. AIDS has already erased 15 years of progress in the worse affected countries. Despite our efforts to date, this epidemic continues its deadly spread across the globe.

More than 30 million HIV/AIDS sufferers are located in sub-Saharan Africa or Southeast Asia, where more than 60 percent of those infected are women. At especially high risk are teenage girls, who frequently marry older men at a very young age, and have little control over their destiny. This, in turn, puts the next generation of children in a position of susceptibility, as each year about 120,000 HIV-positive women become pregnant.

As Americans, it is sometimes hard to see that the AIDS epidemic is not just across the ocean, it is in every part of this world. It is in our own backyard and poses a threat from every direction. Once a person has seen its devastation face to face, he or she will never be the same.

Three years ago, I went to Africa and saw it myself. I saw it in Uganda, where I sat on a porch with mothers who were HIV-positive. They were gathering scrapbooks, photos, notes, and little memorabilia of their lives to leave to their children who were in the yard playing, children who had been orphaned already, or who, having lost one parent, were about to lose their second parent.

I saw it as I traveled through Botswana and South Africa. A senior governmental official confided to me that whenever she travels from her busy capital to her home district, she loads up a large van with coffins and tents, and spends her time helping her constituents, one after another, bury their loved ones and grieve for their dead. She attends funerals, not parades. She gives away coffins, not bumper stickers. There are the politics of Africa in the era of AIDS.

Most recently, as I traveled to India and Bangladesh, I witnessed the plight of the rural, female AIDS sufferer, and I saw those who were working to help her. I firmly believe that the future of India lies in the hands of its women.

When you meet the victims of AIDS, when you see their courage, and see what little it takes to fight this AIDS epidemic successfully, as they have in Uganda and a few other countries, you realize that our leadership and our commitment at this moment in history can make such a difference.

Two women, Dr. Helene Gayle and Dr. Amy Pollack, head organizations dedicated to providing that leadership and to preventing the spread of the disease through multifaceted intervention and family planning.

Dr. Gayle, who cochairs the Global HIV Prevention Working Group for the Gates Foundation, previously worked for the Centers for Disease Control, CDC. There, she initiated HIV-prevention programs built around U.S. communities, as well as the CDC's global AIDS initiative. It is her belief that a comprehensive approach that includes prevention services, such as STD treatment, behavioral risk reduction, and voluntary HIV testing, along with HIV treatment and care for affected populations, is the cornerstone of stemming the AIDS pandemic. Wielding the influence of the Gates Foundation name and funding, she is in a unique position to ensure implementation of these methods, and she has done so with great success.

Dr. Pollack's EngenderHealth organization was a 2002 United Nations Population Award laureate. Through her trips to Africa, Dr. Pollack, has borne witness to EngenderHealth's unique family planning initiatives, concentrating on the gap between the desire for contraception and access to it. With a goal of reducing the number of HIV-infected children and orphans, EngenderHealth assists clinics to close this gap.

I salute the vision of Dr. Gayle and Dr. Pollack and commend them for their dedication and perseverance.

As Americans become more aware of the pandemic proportions of this disease, especially in Africa and South Asia, increasing numbers of women are working for AIDS awareness, treatment and prevention.

Sixteen years ago, three American women whose lives had been touched by this horrific disease sat around a kitchen table in Santa Monica, CA. Recognizing that there was a huge gap in understanding how infected children were affected by HIV/AIDS, they cofounded an organization to fund research for pediatric AIDS.

Today, that organization, the Elizabeth Glaser Pediatric AIDS Foundation, is the premier not-for-profit in its field. Although Elizabeth Glaser, who cofounded the organization with Susan DeLaurentis and Susie Zeegan, passed away in 1994, her dream—and her name—live on through the foundation.

Today we honor the legacy of Elizabeth Glaser and the work of these three women.

I said at the outset of these remarks that it is traditional to honor the great historical contributions of women in connection with Women's History Month. The thousands of women working to find a cure, to help those who are suffering, or to cope with this disease in their own lives are surely making a lasting and positive impact on the history of the world.

Mr. President, today I have paid tribute to just a few of these women. My only regret is that I cannot give much deserved thanks and recognition to all the women who have dealt with, or are dealing with, HIV/AIDS in their own lives, in their communities and around the world. In celebrating Women's History Month, we say to them: Thank you. Thank you for your commitment, your compassion, and your courage. Thank you for leading us into a better future.

MICHAEL A. HUGHES

Mr. LAUTENBERG. Mr. President, today, I express my gratitude to a member of my staff, Michael A. Hughes, who will be returning to his regular job as a senior inspector in the U.S. Marshals Service after tomorrow. Mike has worked in my office for the past 15 months as a legislative fellow, and my staff and I have been extremely fortunate to have Mike's help. We will miss him.

Mike is a New Jersey native who was born in Jersey City. He graduated from Montclair University with a degree in political science and criminal justice in 1990. After college, he joined the U.S. Marshals Service—America's oldest federal law enforcement agency—as a deputy marshal and quickly distinguished himself as an outstanding law enforcement official. For instance, Mike was tasked with the responsibility of accompanying crime boss John Gotti to and from his 1992 trial, and then escorting Gotti to the maximum security facility for federal prisoners in Marion, Illinois, after his conviction and sentencing. Mike was also responsible for protecting high-ranking foreign dignitaries who visited the United Nations headquarters in Manhattan.

Mike conducted several criminal and civil investigations and soon became an inspector in the U.S. Marshals Service's Witness Security Program. Later, he became a senior inspector. Never in the 30-year history of the Witness Security Program has a cooperative participant or his or her family been discovered or harmed. We can attribute much of that recent success to Mike's dedication and professionalism.

It has been helpful to me over the past 15 months to have someone with Mike's extensive personal knowledge of guns and law enforcement issues. Since Mike has been a member of my staff, he has worked on S. 1805, the gun im-

munity bill; S. 1431, my bill to extend the assault weapons ban, and other 2nd Amendment issues. He has also made significant contributions on a number of criminal justice and homeland security matters. Mike is committed to promoting public policies that, if we were to adopt them, would make our country demonstrably safer.

On many occasions, I have remarked that when I moved to the public sector after 30 years in the private sector, I was struck by the dedication, professionalism, and competence of federal employees. I am tired of hearing public sector employees belittled and denigrated in some quarters. I have been impressed by the public servants I have met over the years, and Mike is no exception. He has performed his difficult—and often dangerous—duties with distinction. I think Mike is an outstanding role model for young adults interested in working in our government.

Mr. President, as I thank Mike for his tremendous service and wish him the best of luck in his new endeavors, I would also like to take this opportunity to thank John "Jay" McNulty, who serves as chief of the Marshals Service's Office of Congressional Affairs. Jay made it possible for Mike to come and work for me, and I am grateful for that. I have been fortunate to have Mike on my staff; the Nation is fortunate to have him in the U.S. Marshals Service.

ADDITIONAL STATEMENTS

RECOGNIZING THE INTERNATIONAL ASSOCIATION FOR ORGAN DONATION

• Mr. LEVIN. Mr. President, I take a moment to recognize the International Association for Organ Donation, IAOD. The IAOD strives to increase awareness of organ donation and transplantation, as well as bone marrow and tissue donation. This organization provides educational and outreach programs to the general public, with a focus on racial and ethnic minorities.

Each April, the International Association for Organ Donation celebrates National Donate Life Month. This year is especially important as it marks the 50th anniversary of the first successful liver transplant. In honor of this monumental occasion, the IAOD is sponsoring "50 Years of Sharing Life" to publicize the plight of those in need of an organ transplant.

Today in America, 83,000 patients are currently awaiting an organ transplant. Although there are 68 successful organ transplants each day, an additional 100 patients are added to the waiting list and sadly, 18 people die each day as they wait for this life-saving procedure. Tissue donations, such as bone marrow, are also in short supply. Nearly 3,000 people are searching the National Marrow Donor Program Registry at any one time and an addi-

tional 3,000 patients are added to the registry each month.

There is something we all can do to reduce these staggering statistics. Great strides could be made if the estimated 10,000 to 14,000 eligible Americans who die each year pledge to become organ donors. The IAOD is a driving force in sharing the message that life is a gift to share.

It is with great pleasure that I offer my sincerest appreciation and support to the International Association for Organ Donation as it celebrates the 50th anniversary of the first successful liver transplant. I give my thanks to the organization, its staff, and its partners as they work to fulfill their life-saving mission.●

25TH ANNIVERSARY OF SKADDEN, ARPS, SLATE, MEAGHER AND FLOM DELAWARE

• Mr. CARPER. Mr. President, I rise today to recognize the 25th anniversary of Skadden, Arps, Slate, Meagher and Flom Delaware. This organization is celebrating a quarter century of nationally renowned expertise in corporate mergers and acquisitions here in the First State. Skadden, Arps, Slate, Meagher and Flom has built a reputation for providing integral service throughout the Nation and in Delaware. If this organization's first quarter century is any indication of what it will offer in the future, we have much to which to look forward.

Marshall Skadden, John Slate, and Les Arps founded the firm in New York City on April Fool's Day, 1948. After starting with just three lawyers, Skadden, Arps, Slate, Meagher and Flom has grown to more than 1,700 lawyers in nine offices—seven in the United States, one in Tokyo, and one in London. Few, if any, law firms in America today are more highly regarded professionally or financially successful.

The firm's client list includes more than one-third of the Fortune 500 companies, 10 of the top 15 U.S. commercial banks, 23 of the top 25 U.S. investment banks and 7 of the top 10 Japanese banks doing business in the United States. The organization's more than 20 individual practice areas serve as visible proof of the successful philosophy: that the client's needs always come first; that they can and do commit a maximum effort to provide top quality advice and timely service to clients; and that the law firm can and should be run as a business, consistent with professional responsibilities.

It was 25 years ago, in May of 1979, that Rodman Ward, Jr. and Steven J. Rothschild agreed to open the Wilmington, DE, office of Skadden, Arps, Slate, Meagher and Flom, becoming the 46th and 47th partners in that firm. Skadden Delaware became the first major out-of-town law firm to open an office in the State of Delaware.

Over the past 25 years, Skadden Delaware has grown tenfold, from its original six attorneys to its present complement of nearly 60, becoming one of the largest and most influential law offices in the State of Delaware, and employing more than 150 Delawareans.

Skadden Delaware attorneys have counseled clients in many of the largest and most groundbreaking corporate transactions, including highly publicized contests for corporate control, and contributed thereby to the reputation of the Delaware courts as the pre-eminent arbiters of corporate law issues in the world, and to the State of Delaware's dominance as the preferred domicile for corporations large and small across the United States.

Skadden Delaware lawyers have also contributed their professional and personal resources to a wide variety of civic and charitable endeavors outside the confines of their law practice, to the consistent benefit of the State of Delaware and its citizens.

Former Skadden Delaware lawyers have gone on to hold positions of high trust and importance in the State of Delaware, serving on the Court of Chancery and the supreme court, as counsel to the Governor, as U.S. attorney, and as president of the Delaware bar.

I thank Skadden Delaware for all that they do, not only in Delaware, but across the country, and I wish them a very happy 25th anniversary. I rise today to offer my full support and to congratulate them on a remarkable quarter century of success. ●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bills:

H.R. 3926. An act to amend the Public Health Service Act to promote organ donation, and for other purposes.

H.R. 1997. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with an amendment:

S. Con. Res. 95. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

The message further announced that the House insist upon its amendment to the concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered that Mr. NUSSLE, Mr. PORTMAN, and Mr. SPRATT, be the managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3723. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Vaughn Gross Post Office Building".

H.R. 3917. An act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office".

The message also announced that the House agree to the amendments of the Senate to the bill (H.R. 2584) to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmosphere Administration ship, and for other purposes.

The message further announced that pursuant to (10 U.S.C. 111 note) the Minority Leader hereby appoints retired Army Lt. General H.G. (Pete) Taylor, to the Commission on the Review of the Overseas Military Facility Structure of the United States.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3723. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Vaughn Gross Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3917. An act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office"; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2250. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes.

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-6856. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02-09; to the Committee on Appropriations.

EC-6857. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03-02; to the Committee on Appropriations.

EC-6858. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 00-06; to the Committee on Appropriations.

EC-6859. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-6860. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program; to the Committee on Armed Services.

EC-6861. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the notification of the Department's intent to transfer \$372 million from the Defense Working Capital Funds to the Operation and Maintenance Appropriations; to the Committee on Armed Services.

EC-6862. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report of the transfer of the historic harbor tug ex-HOGA (YTM 146) to the Arkansas Inland Maritime Museum, North Little Rock, Arkansas; to the Committee on Armed Services.

EC-6863. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost and a Program Acquisition Unit Cost (PAUC) breach; to the Committee on Armed Services.

EC-6864. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Under Secretary of Defense for Logistics and Material Readiness, Department of Defense, received on March 29, 2004; to the Committee on Armed Services.

EC-6865. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Review Panels performing duties pursuant to the Military Commission process; to the Committee on Armed Services.

EC-6866. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to the annual audit of the American Red Cross; to the Committee on Armed Services.

EC-6867. A communication from the Director, Defense Procurement and Acquisition

Policy, transmitting, pursuant to law, the report of a rule entitled "Free Trade Agreements—Chile and Singapore" (DFARS Case 2003-D088) received on March 29, 2004; to the Committee on Armed Services.

EC-6868. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending: Rule of Construction" (R-1167) received on March 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-6869. A communication from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Bank Activities and Operations—12 CFR Part 7" received on March 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-6870. A communication from the Legal Counsel, Community Development Financial Institutions Fund, transmitting, pursuant to law, the report of a rule entitled "Notice of Funds Availability Inviting Applications for the Community Development Financial Institutions Fund" received on March 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-6871. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes Model A300 B4-600 A300-B4-600R and A300 F4-600R Series Airplanes (Doc. No. 2001-NM-302) Model A3110 Series Airplanes Model A319, A320, and A321 Series Airplanes Model A330-301, 321, 322, 341, and 342" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6872. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospace Technologies of Australia Pty. Ltd. Models N22B, N22S, N24A Airplanes Doc. No. 2003-CE-37" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6873. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines Doc. No. NE 2003-NE-56" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6874. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319 and A320 Series Airplanes Doc. No. 2001-NM-301" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6875. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Mystere-Falcon 900 Series Airplanes Doc. No. 2001-NM-390" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6876. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-90-30 Air-

planes Doc. No. 2001-NM-275" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6877. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 and 300 Series Airplanes Doc. No. 2003-NM-49" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6878. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Johnson, KS Doc. No. 04-ACE-17" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6879. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gideon, MO Doc. No. 04-ACE-16" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6880. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A 300 B2-1C, B2-203, B2K-3C, B4-2C, B4-103, N4-203 Series Airplanes Model A300B4-600, B4-600R and F4-600R (Collectively Called A300-600) Series Airplanes and Model A310 Series Airplanes Doc. No. 2002-NM-113" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6881. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9 81-83, DC-9-87 and MD 88 Airplanes Doc. No. 2000-NM-170" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6882. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200 Series Airplanes Modified by Supplemental Type Certificate ST00516AT; Doc. No. 2002-NM-238" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6883. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Festus, MO Doc. No. 04-ACE-14" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6884. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fulton, MO Doc. No. 04-ACE-15" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6885. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Springfield, MO Doc. No. 03-ACE-100"

(RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6886. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cedar Rapids, IA Doc. No. 04-ACE-10" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6887. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cassville, MO Doc. No. 04-ACE-18" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6888. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9 81-83, DC-9-87 and MD 88 Airplanes Doc. No. 2000-NM-170" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6889. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-300, 400, and 500 Series Airplanes Doc. No. 2001-NM-88" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6890. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10F, 15, 30, 30F, 30F(CK-10A and KDC-10), 40, 40F, MD-10-10F and 30F Airplanes and Model MD-11 and 11F Airplanes Doc. No. 2003-NM-43" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6891. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC-8-400-401 and 402 Airplanes Doc. No. 2002-NM-311" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6892. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes Doc. No. 2004-NM-17" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6893. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Des Moines, IA Doc. No. 04-ACE011" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6894. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200C and 200F Series Airplanes Doc. No. 2001-NM-278" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6895. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes Model A310 Series Airplanes Doc. No. 2001-NM-303" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6896. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 31, 31A, 35, 35A (C021A0, 36, and 36A Airplanes) Doc. No. 2001-NM-366" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6897. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR72 Series Airplanes Doc. No. 2001-NM-376" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6898. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CT58 Series and T58 Series Turboshaft Engines Doc. No. 2003-NE-66" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6899. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes Doc. No. 2004-NM-28" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6900. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes Doc. No. 2002-NM-320" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6901. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320-111, 2111, and 231 Series Airplanes Doc. No. 2002-NM-118" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6902. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes Doc. No. 2001-NM-355" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6903. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Falcon 900EX Series Airplanes Doc. No. 2001-NM-283" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6904. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319 A320 Series Airplanes Doc. No. 2002-NM-183" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6905. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company (GE) CF6-80 Series Turbofan Engines Doc. No. 2004-NE-05" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6906. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320-111, 211, 212, and 231 Series Airplanes" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6907. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F28 Mark 0070 and 0100 Series Airplanes Doc. No. 2004-NM-10" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6908. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Airplanes, A300 B4-600 and 600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600) and A310 Series Airplanes Doc. No. 2002-NM-04" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6909. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, BA, B1, B2, B3, C, D, D1, E, F, F1, F2, and N Helicopters Doc. No. 2002-SW-44" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6910. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Corporation A 3007 Series Turbofan Engines Doc. No. 2000-NE-29" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6911. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-200 and 300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA2969SO Doc. No. 2003-NM-170" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6912. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, 700, 700C, 800, and 900 Series Airplanes Doc. No. 2004-NM-03" (RIN2120-AA64) received on March 29, 2004; to

the Committee on Commerce, Science, and Transportation.

EC-6913. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model Otter DHC-3 Airplanes Doc. No. 2000-CE-73" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6914. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Corporation Beech Models 45(YT-34), A45 (T-34A, B-45) and D45 (T-34B) Airplanes Doc. No. 2000-CE-09" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6915. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF34-8E Series Turbofan Engines Doc. No. 2004-NE-06" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6916. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes Doc. No. 2004-NM-17" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6917. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model 1555B Helicopters Doc. No. 2003-SW-12" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6918. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS365 N3 Helicopters Doc. No. 2003-SW-11" (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6919. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Clinton, MO; Doc. No. 04-ACE-2" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6920. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Parsons, KS; Doc. No. 04-ACE-4" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6921. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Larned, KS; Doc. No. 04-ACE-8" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6922. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Neodesha, KS; Doc. No. 04-ACE-6" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6923. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace; Olive Branch, MS; Doc. No. 03-ASO-19" (RIN2120-AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6924. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to foreign-policy based export controls; to the Committee on Commerce, Science, and Transportation.

EC-6925. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination from the Deputy Secretary, Department of Transportation, received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-6926. A communication from the Deputy Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing of Marine Mammals; Taking of Marine Mammals Incidental to Rocket and Missile Launch Operations from Vandenberg Air Force Base (VAFB)" received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Charles C. Baldwin.

Air Force nomination of Col. Cecil R. Richardson.

Army nominations beginning Brigadier General James J. Bisson and ending Colonel Omer C. Tooley, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2004.

Navy nomination of Capt. Elizabeth A. Hight.

Navy nomination of Rear Adm. (Ih) Nancy E. Brown.

Mr. WARNER. Mr. president, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Arthur R. Homer.

Air Force nomination of William R. Kent III.

Air Force nomination of Lori J. Fink.

Air Force nominations beginning Patricia K. Collins and ending Jeffrey E. Sherwood, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2004.

Air Force nominations beginning Christopher D. Boyer and ending Matthew E. Coombs, which nominations were received by

the Senate and appeared in the Congressional Record on February 26, 2004.

Air Force nomination of Richard G. Hutchison.

Air Force nomination of Jeffery C. Sims.

Air Force nominations beginning Douglas R. Alfar and ending Fi A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2004.

Air Force nomination of Christine R. Gundel.

Air Force nominations beginning Boikai B. Braggs and ending Charles W. Fox, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2004.

Air Force nomination of David W. Puvogel.

Air Force nomination of Terrance J. Wohlfiel.

Army nominations beginning Dale A. Adams and ending Nicholas E. Zoeller, which nominations were received by the Senate and appeared in the Congressional Record on November 21, 2003.

Army nominations beginning Thomas M. Besch and ending Albert M. Zaccor, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Kenneth L. Alford and ending James R. Yonts, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Thomas E. Bailey and ending Daniel S. Zupan, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Eileen M. Ahearn and ending x4578, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nomination of Gary W. Stinnett.

Army nomination of James M. Ives.

Army nomination of Paul Swicord.

Army nomination of Stephen A. Bernstein.

Army nomination of James R. Hudson.

Army nomination of Gary J. Garay.

Army nomination of John W. Ervin.

Army nominations beginning Floyd T. Curry and ending Jeffrey B. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2004.

Army nominations beginning John E. Armistead and ending Eugene R. Woolridge, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2004.

Army nomination of Randall J. Vance.

Army nomination of Craig M. Doane.

Army nomination of Carol A. Cullinan.

Army nomination of Christopher B. Soltis.

Army nominations beginning Jeffrey A. Tong and ending Timothy M. Ward, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning James M. Gaudio and ending Beverly A. Herard, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Michael J. Harris and ending Robert L. Legg, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning David N. Aycock and ending David E. Lindberg, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations of Michael T. Lawhorn.

Army nominations beginning Derron A. Alves and ending Alisa R. Wilma, which

nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations Joel R. Bachman and ending Sherry L. Womack, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Curtis J.*Aberle and ending Pamela M. *Wulf, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Gina M. *Agron and ending Jeffrey V. Zottola, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Bruce M. Frederickson and ending William A. Petty, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Navy nomination of David R. Agle.

Navy nominations beginning Hugh B. Burke and ending Jeanine B. Womble, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development.

By Mr. GRASSLEY for the Committee on Finance.

*Donald Korb, of Ohio, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. SCHUMER (for himself and Mrs. CLINTON):

S. 2255. A bill to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office Building"; to the Committee on Governmental Affairs.

By Ms. CANTWELL:

S. 2256. A bill to amend part A of title IV of the Social Security Act to exempt preparation for high-skill, high-demand jobs from participation and time limits under the temporary assistance for needy families program; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. DAYTON, and Mr. LEVIN):

S. 2257. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. CHAMBLISS, Mr. ALLEN, Mr. GREGG, Ms. COLLINS, Ms. MURKOWSKI, Mr. WARNER, and Mr. THOMAS):

S. 2258. A bill to revise certain requirements for H-2B employers for fiscal year 2004, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. BENNETT, and Mr. CONRAD):

S. 2259. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2260. A bill to amend title XVIII of the Social Security Act to provide for fairness in the calculation of medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. BAUCUS, Mr. CHAFEE, Mr. DODD, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. SUNUNU):

S. 2261. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 243

At the request of Mr. ALLEN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 310

At the request of Mr. THOMAS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 985

At the request of Mr. DODD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1807

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1807, a bill to require criminal back-

ground checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes.

S. 1898

At the request of Mr. COLEMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1898, a bill to amend the Internal Revenue Code of 1986 to allow tax-payers to designate part or all of any income tax refund to support reservists and National Guard members.

S. 1902

At the request of Mr. REED, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1916

At the request of Ms. LANDRIEU, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 2099

At the request of Mr. MILLER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2146

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2146, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 2175

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2179

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2193

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2193, a bill to improve small business loan programs, and for other purposes.

S. 2212

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Arkansas (Mr. PRYOR) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2212, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 2236

At the request of Ms. CANTWELL, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2236, a bill to enhance the reliability of the electric system.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

AMENDMENT NO. 2937

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. CORZINE) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2937 proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

At the request of Mr. VOINOVICH, his name was added as a cosponsor of amendment No. 2937 proposed to H.R. 4, supra.

AMENDMENT NO. 2939

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2939 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

AMENDMENT NO. 2942

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2942 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

AMENDMENT NO. 2943

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2943 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. CHAMBLISS, Mr. ALLEN, Mr. GREGG, Ms. COLLINS, Ms. MURKOWSKI, Mr. WARNER, and Mr. THOMAS):

S. 2258. A bill to revise certain requirements for H-2B employers for fiscal year 2004, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Summer Operations and Services or "SOS" Relief and Reform Act, S. 2258.

Across our Nation, there are businesses, many of which are small, which look forward to the summer time each year as an opportunity to conduct their seasonal operations. From Utah to Alaska to New England and down to the Southern States, innkeepers, swimming pool operators, and fishermen rely on the income generated during the summer months to feed their families, employ their neighbors, and contribute to their local economies. Individually, these businesses may not be big operations, but collectively, they are an integral part of the American economy.

Because of the nature of our country's labor market, and perhaps be-

cause of the unattractiveness of seasonal versus permanent work, these operations have traditionally relied upon the H-2B visa program to bring needed workers from abroad. For those who may not understand the purpose for this program, let me explain it. An employer is only allowed to request an H-2B worker when no American worker is available for the same job. An employer is not allowed to pay lower wages to these foreign visa holders. Throughout our immigration history, the H-2B program has remained non-controversial.

This year, perhaps as a sign of our economy's increasing vitality, the H-2B annual cap of 66,000 visas has already been reached. Meanwhile, small businesses across the country warn that if Congress does not make some sort of accommodation, they stand to suffer immeasurable losses. Failing to act would not only be detrimental to these small businessowners, many of whom simply cannot afford to lose an entire year's worth of profit, but would hurt the Americans whose jobs also depend on the stability of these businesses. The negative impact upon the hospitality and tourism sectors would be severe as well. In other words, unless we act quickly and give these seasonal operations the resources they need, we are facing a very bleak summer for many hard-working Americans and entrepreneurs.

That said, as much as I want to do all that I can to save this summer of seasonal work, I also want to make sure that in our haste, we do not establish unsound policy and set a bad precedent for the future. Many immigration reformists oppose increasing numbers in any immigration program. I oppose simply raising the numbers indiscriminately. Instead, what we need is a program that is tied to the realities of our economy and our job market. The reform I propose in "SOS" will bring us closer to this ultimate goal.

Specifically, S. 2258 does not raise the visa cap number. Instead, it exempts those who were admitted on an H-2B visa during the past 2 fiscal years from the cap for the remainder of this year. This is a good reform approach for several reasons: First, the number of actual workers admitted will be dictated by the strength of the economy, and not by a random number that resulted from political compromise. Second, it gives preferential treatment to those who have used the program before, and who have complied with the law and returned to their home countries at the end of the season. Third and finally, it would allow the Secretary of Homeland Security to delegate to the Secretary of Labor the specific as well as inherent authority to investigate fraudulent immigration and employment practices. No immigration reform can be complete without addressing that issue. Of course, this bill does not represent all of the reforms that are needed, but is it a step in the right direction, while providing

immediate relief for our seasonal businesses.

I thank Chairman CHAMBLISS of the Judiciary Committee's Immigration Subcommittee for his valuable input and for being our lead cosponsor on this bill. I also want to thank the administration for its contribution and expertise in reforming the H-2B visa program in an administratively feasible manner. Finally, I would be remiss if I did not recognize the contribution made by the other original cosponsors, Senators ALLEN, GREGG, COLLINS, MURKOWSKI, WARNER, and THOMAS.

Let me conclude by emphasizing that without our immediate attention to this pressing problem, local economies will face substantial losses. Let us work together to prioritize the health of America's seasonal businesses, and safeguard the livelihood of all the people who depend on them. I ask my colleagues for their bipartisan cooperation in the timely passage of this bill.

By Mr. DORGAN (for himself, Mr. BENNETT, and Mr. CONRAD):

S. 2259. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, 15 years ago the U.S. Supreme Court, in a 5 to 4 decision, struck down a Texas flag protection statute. The Supreme Court ruled that burning an American flag was a form of "speech," and therefore protected under the first amendment of the Constitution.

I disagreed with the Court's decisions then and I still do. I don't believe that the act of desecrating a flag is an act of speech. And I believe that our flag, as our national symbol, can and should be protected by law.

In the intervening years since the Supreme Court decision, I have supported Federal legislation that would make flag desecration illegal. Yet on several occasions, I have also voted against amendments to the Constitution to do the same.

I voted that way because, while I believe that flag desecration is despicable conduct that should be prohibited by law, I also believe that amending our Constitution is a step that should be taken only rarely, and then only as a last resort.

In the past year I have once again reviewed in detail nearly all of the legal opinions and written materials published by constitutional scholars and courts on all sides of this issue. After that review, I have concluded that there remains a way to protect our flag without having to alter the Constitution of the United States. So I am joining Senator BENNETT today to introduce bipartisan legislation that accomplishes that goal.

The bill we introduce today protects the flag but does so without altering the Constitution. A number of respected constitutional scholars tell us they believe this type of statute will be upheld by the U.S. Supreme Court.

This statute protects the flag by criminalizing flag desecration when its intended purpose is to incite violence.

I know that supporters of a constitutional amendment will be disappointed by my decision to support this statutory remedy to protect the flag, rather than support an amendment to the U.S. Constitution. I know they are impatient to correct a decision by the Supreme Court that they and I believe was wrong.

I have wrestled with this issue for a long time, and I wish I were not, with my decision, disappointing those, including many of my friends, who passionately believe that we must amend the Constitution to protect the flag. But, in the end, I know that our country will be better served reserving our attempts to alter the Constitution only for those things that are, in the words of James Madison, "extraordinary occasion."

More than 11,000 constitutional amendments have been proposed since our Constitution was ratified. However, since the ratification of the Bill of Rights in 1791 only 17 amendments have been enacted. These 17 include 3 reconstruction era amendments that abolished slavery and gave African Americans the right to vote.

The amendments included giving women the right to vote, limiting Presidents to two terms, and establishing an order of succession in case of a President's death or departure from office. The last time Congress considered and passed a new constitutional amendment was when it changed the voting age to 18, more than a quarter of a century ago. All of these matters were of such scope they required a constitutional amendment to be accomplished. They could not have been accomplished otherwise.

But protecting the American flag can be accomplished without amending the Constitution, and that is a critically important point.

The bill we are introducing today, on a bipartisan basis, outlaws three types of illegal flag desecration.

First, anyone who destroys or damages a U.S. flag with a clear intent to incite imminent violence or a breach of the peace may be punished by a fine of up to \$100,000, or up to 1 year in jail, or both. Second, anyone who steals a flag that belongs to the United States and destroys or damages that flag may be fined up to \$250,000 or imprisoned up to 2 years, or both. And third, anyone who steals a flag may also be fined up to \$250,000 or imprisoned up to 2 years, or both.

Constitutional scholars, including those at the Congressional Research Service, the research arm of Congress, and Duke University's Professor William Alstyn, have concluded that this statute passes constitutional muster, because it recognizes that the same standard that already applies to other forms of speech applies to burning the flag as well.

This is the same standard which makes it illegal to falsely cry "fire" in

a crowded theater. Reckless speech that is likely to cause violence is not protected under the "fighting words" standard, long recognized by the Supreme Court of the United States.

So we are offering this bipartisan legislation with the confidence that its passage would meaningfully and effectively protect our cherished flag.

I believe that future generations, and our Founding Fathers, would agree that it is worthwhile for us to find a way to protect our flag without altering the Constitution. And so I ask those colleagues who, like me, care deeply about both our flag and our Constitution, to support this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

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

S. 2259

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 "Flag Protection Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(b) PURPOSE.—The purpose of this Act is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the united states

"(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

"(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and

intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than \$100,000, imprisoned not more than 1 year, or both.

"(c) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than \$250,000, imprisoned not more than 2 years, or both.

"(d) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than \$250,000, imprisoned not more than 2 years, or both.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

700. Incitement; damage or destruction of property involving the flag of the United States."

By Mr. SANTORUM:

S. 2260. A bill to amend title XVIII of the Social Security Act to provide for fairness in the calculation of medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I am introducing today the Medicare DSH payments for Puerto Rico Hospitals Fairness Act of 2004. This legislation seeks to provide fairness for Puerto Rico hospitals in their qualification for disproportionate share payments under the Medicare Program.

The primary purpose of the DSH program is to reimburse hospitals for the higher Medicare costs associated with treating low-income Medicare patients. Under current law, hospitals providing essential health care to low-income Medicare patients in Puerto Rico are effectively denied equitable reimbursement, because the law is being applied in such a way that a significant portion of the low-income population served by Puerto Rico hospitals is not allowed to count toward DSH calculations.

The legislation that I am introducing today would amend section 1886(d)(9)(D)(iii) of the Social Security Act to help ensure that Puerto Rico's low-income Medicare beneficiaries and hospitals that treat them have access to the same health care as the mainland.

I ask unanimous consent that the next 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. 2260

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 "Medicare DSH Payments for Puerto Rico Hospitals Fairness Act of 2004".

SEC. 2. CALCULATION OF MEDICARE DSH PAYMENTS FOR PPS HOSPITALS IN PUERTO RICO.

Section 1886(d)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as follows:

"(iii) Subparagraph (F) (relating to disproportionate share payments), except that for this purpose—

"(I) the sum described in clause (ii) of this subparagraph shall be substituted for the sum referred to in paragraph (5)(F)(ii)(I); and

"(II) for discharges occurring on or after October 1, 2004, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of a subsection (d) Puerto Rico hospital's patient days for a cost reporting period that are made up of patients who (for such days) were entitled to benefits under part A of this title and were recipients of aid under the State plan approved under title XVI that provides for grants to States for aid to the aged, blind, or disabled."

By Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. BAUCUS, Mr. CHAFEE, Mr. DODD, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. SUNUNU):

S. 2261. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

Mr. DEWINE. Mr. President, today we have an opportunity to reach out to the least developed country in the Western Hemisphere—we have an opportunity to reach out to the island nation of Haiti.

I am pleased to join Senators GRAHAM of Florida, LUGAR, BAUCUS, CHAFEE, DODD, VOINOVICH, and NELSON of Florida in introducing the Haiti Economic Opportunity Act of 2004. I also would like to thank Representative SHAW, as well as our other House cosponsors, for their support of this bill.

Our bill would use trade incentives to encourage the post-Aristide government to make much needed reforms, while encouraging foreign direct investment—the most powerful, and yet underutilized, tool of development. The bill's provisions apply the least developed country provisions of the African Growth and Opportunity Act, AGOA, to Haiti—the least developed country in our Hemisphere.

Specifically, our bill would provide duty-free entry to apparel articles assembled in Haiti contingent upon Presidential certification that the new government is making significant political, economic, and social reforms. The bill also caps the amount of duty-free articles at 1.5 percent of the total amount of U.S. apparel imports, growing to 3.5 percent over 7 years. Currently, Haiti accounts for less than

one-half of 1 percent of all U.S. apparel imports, and although these provisions seem modest by U.S. standards, in Haiti they are substantial.

The enactment of this legislation would promote employment in Haitian industry by allowing Haiti to become a garment production center again. Haiti has a labor advantage that makes it competitive compared to other countries in the region, and at one time several years ago over 100,000 people were employed in assembly jobs. Now, that number stands at just 30,000, and regional and global economic conditions are quickly converging to eliminate any chance of Haiti reestablishing a foothold in the garment production market.

Our window of opportunity to act expires at the end of the year, when quotas are phased out of the global market for textiles and apparel, and countries, such as China, are allowed to fully enter the market. In addition, Haiti has been largely left out of the Central American Free-Trade Agreement negotiations, gaining only small concessions for coproduction with the Dominican Republic. These concessions are necessary but far from sufficient for creating jobs.

I have traveled to Haiti 13 times, and there is no doubt that Haiti needs this opportunity. No other nation in our hemisphere is as impoverished. Today, at least 80 percent of all Haitians live in abject poverty, with at least 80 percent under- or unemployed. Per capita annual income is less than \$400.

No other nation in our hemisphere has a higher rate of HIV/AIDS. Today, AIDS is the No. 1 cause of all adult deaths in Haiti, killing at least 30,000 Haitians annually and orphaning 200,000 children.

No other nation in our hemisphere has a higher infant mortality rate or a lower life expectancy rate.

And, no other nation in our hemisphere is as environmentally strapped. Haiti is an ecological disaster, with a 98-percent deforestation level and extreme topsoil erosion.

Despite this, U.S. assistance has reached its lowest level in over a decade. This needs to change. Haiti is in our backyard, inexorably linked to the United States by history, geography, humanitarian concerns, the illicit drug trade, and the ever-present possibility of waves of incoming refugees. Haiti's problems are our problems.

In an environment such as this, foreign assistance is not enough to create economic opportunities, promote development, and reverse these dire conditions. Economic development is the answer, bringing with it lower unemployment, increased infrastructure development, and spillover effects for the rest of Haiti's population.

This bill is not the "silver bullet" for Haiti, because there is no silver bullet. Rebuilding Haiti is going to require time, attention, and determination on the part of the people of Haiti, the countries in the region, and ultimately

the entire international community. This bill would be a powerful indicator that Haiti has the support necessary to move forward. I encourage all of my colleagues to cosponsor this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2261

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 "Haiti Economic Recovery Opportunity Act of 2004".

SEC. 2. TRADE BENEFITS TO HAITI.

(a) IN GENERAL.—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 213 the following new section:

"SEC. 213A. SPECIAL RULE FOR HAITI.

"(a) IN GENERAL.—In addition to any other preferential treatment under this Act, beginning on October 1, 2003, and in each of the 7 succeeding 1-year periods, apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from Haiti shall enter the United States free of duty, subject to the limitations described in subsections (b) and (c), if Haiti has satisfied the requirements set forth in subsection (d).

"(b) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this subsection are apparel articles that are wholly assembled or knit-to-shape in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns without regard to the country of origin of the fabrics, components, or yarns.

"(c) PREFERENTIAL TREATMENT.—The preferential treatment described in subsection (a), shall be extended—

"(1) during the 12-month period beginning on October 1, 2003, to a quantity of apparel articles that is equal to 1.5 percent of the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period beginning October 1, 2002; and

"(2) during the 12-month period beginning on October 1 of each succeeding year, to a quantity of apparel articles that is equal to the product of—

"(A) the percentage applicable during the previous 12-month period plus 0.5 percent (but not over 3.5 percent); and

"(B) the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period that ends on September 30 of that year.

"(d) ELIGIBILITY REQUIREMENTS.—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti—

"(1) has established, or is making continuing progress toward establishing—

"(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

"(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

"(C) the elimination of barriers to United States trade and investment, including by—

"(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

“(ii) the protection of intellectual property; and

“(iii) the resolution of bilateral trade and investment disputes;

“(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

“(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

“(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

“(2) does not engage in activities that undermine United States national security or foreign policy interests; and

“(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 1, 2003.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption, of any goods described in the amendment made by subsection (a)—

(A) that was made on or after October 1, 2003, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

AMENDMENTS SUBMITTED & PROPOSED

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, supra.

SA 2946. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2947. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2948. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2949. Mr. FEINGOLD submitted an amendment intended to be proposed by him

to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2950. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2951. Mr. SMITH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2952. Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2953. Mr. BAUCUS (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2954. Mr. ALEXANDER (for Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY)) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

SA 2955. Mr. ALEXANDER (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2443, supra.

TEXT OF AMENDMENTS

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 212, strike line 12 and all that follows through page 213, line 6, and insert the following:

“(D) LIMITATION ON NUMBER OF PERSONS WHO MAY BE TREATED AS ENGAGED IN WORK BY REASON OF PARTICIPATION IN EDUCATIONAL ACTIVITIES.—

“(i) IN GENERAL.—Except as provided in paragraph (1)(C)(ii)(I) and clause (ii), for purposes of subsection (b)(1)(B)(i), not more than 30 percent of the number of individuals in all families in a State who are treated as engaged in work for a month may consist of individuals who are—

“(I) determined (without regard to individuals participating in a program established under section 404(1)) to be engaged in work for the month by reason of participation in vocational educational training (but only with respect to such training that does not exceed 12 months with respect to any individual); or

“(II) deemed to be engaged in work for the month by reason of subparagraph (C) of this paragraph.

“(ii) EXCEPTION FOR EDUCATION IN PREPARATION FOR SECTOR-SPECIFIC, HIGH-SKILL OCCUPATIONS TO MEET EMPLOYER DEMAND.—

“(1) IN GENERAL.—Notwithstanding clause (i) and subsection (d)(8), for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) with respect to an individual who is enrolled, in preparation for a sector-specific, high-skill occupation to meet employer demand (as defined in subclause (II)), in a postsecondary 2- or 4-year degree program or in vocational educational training—

“(aa) the State may count the number of hours per week that the individual attends such program or training for purposes of determining the number of hours for which a family is engaged in work for the month

without regard to the 30 percent limitation under clause (i); and

“(bb) the individual shall be permitted to complete the requirements of the degree program or vocational educational training within the normal timeframe for full-time students seeking the particular degree or completing such vocational educational training.

“(II) SECTOR-SPECIFIC, HIGH-SKILL OCCUPATION TO MEET EMPLOYER DEMAND DEFINED.—In subclause (I), the term ‘sector-specific, high-demand, high-skill occupation to meet employer demand’ means an occupation—

“(aa) that has been identified by the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors or that has been defined by the State agency administering the State program funded under this part as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors and is consistent with high demand jobs identified in the State plan in accordance with section 402(a)(1)(A)(vi)(I);

“(bb) that requires occupational training; and

“(cc) that provides a wage of at least 75 percent of the State median hourly wage, as calculated by the Bureau of Labor Statistics on the basis of the most recent Occupational Employment and Wage Survey.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the “Fair Minimum Wage Act of 2004”.

(b) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

“(B) \$6.45 an hour, beginning 12 months after that 60th day; and

“(C) \$7.00 an hour, beginning 24 months after that 60th day;”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) \$3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by \$0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of

enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 2946. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) DOMESTIC VIOLENCE PREVENTION GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall award grants to eligible entities to enable such entities to carry out domestic violence prevention activities. In carrying out this subsection, the Secretary shall make public the criteria to be used by the Secretary for awarding such grants.

(2) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be a State, Indian tribe, or nonprofit domestic violence prevention organization; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) ACTIVITIES.—An entity shall use amounts received under a grant awarded under this subsection to—

(A) develop and disseminate best practices for addressing domestic and sexual violence;

(B) implement voluntary skills programs on domestic violence as a barrier to economic security, including providing case-worker training, technical assistance, and voluntary services for victims of domestic violence;

(C) provide broad-based income support and supplementation strategies that provide increased assistance to low-income working adults, such as housing, transportation, and transitional benefits as a means to reduce domestic violence; or

(D) carry out programs to enhance relationship skills and financial management skills, to teach individuals how to control aggressive behavior, and to disseminate information on the causes of domestic violence and child abuse.

(4) MATCHING REQUIREMENT.—The Secretary may not award a grant to an entity under this subsection unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 25 percent of such costs (\$1 for each \$4 of Federal funds provided under the grant).

(5) REQUIRED CONSULTATION.—The Secretary may not award a grant to a State or an Indian tribe under this subsection unless such State or tribe agrees, in carrying out activities under the grant, to consult with National, State, local, or tribal organizations with demonstrated expertise in providing aid to victims of domestic violence.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$20,000,000 for each of fiscal years 2005 through 2009.

SA 2947. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 355, between lines 3 and 4, insert the following:

SEC. —. DETERMINATION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR ALASKA.

Section 706 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106-554 (42 U.S.C. 1396d note), is amended by striking “only with respect to each of fiscal years 2001 through 2005,” and inserting “with respect to fiscal year 2001 and each fiscal year thereafter.”.

SA 2948. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Violence Against Children Act of 2003”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) People under the age of 18 make up approximately 12 percent of all crime victims known to police, including 71 percent of all sex crime victims and 38 percent of all kidnapping victims.

(2) People from the ages of 12 through 17 are over 2 times more likely to be victims of violent crime than adults.

(3) It has been estimated that only 28 percent of crimes against children are actually reported.

(4) Some 1,200 children die as a result of abuse each year, and approximately 879,000 children are victims of abuse.

(5) Child abuse has long-lasting negative effects upon children and families, including delayed development, depression, substance abuse, and increased likelihood of experiencing or perpetrating domestic violence as an adult.

(6) Most local agencies lack adequate resources to protect and serve the needs of children and families that are brought to their attention.

(7) Failure to pay child support is in itself a form of neglect, as children who do not receive financial support are more likely to live in poverty, and are therefore more likely to suffer from inadequate education, a lack of quality health care, and a lack of affordable housing.

TITLE I—ENHANCED FEDERAL ROLE IN CRIMES AGAINST CHILDREN

SEC. 101. ENHANCED PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“§ 2260A. Violence against children

“(a) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subsection (b), by force or threat of force willfully injures or attempts to injure any person under 18 years of age—

“(1) shall be imprisoned for not more than 10 years and fined in accordance with this title; and

“(2) shall be imprisoned for any term of years or for life, and fined in accordance with this title if—

“(A) death results from the offense; or

“(B) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(b) CIRCUMSTANCES.—For purposes of subsection (a), the circumstances described in this subsection are that—

“(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(A) across a State line or national border;

or

“(B) using a channel, facility, or instrumentality of interstate or foreign commerce;

or

“(2) in connection with the conduct described in subsection (a), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce.

“(c) PENALTIES.—An offense under this section shall also be subject to the penalties provided in section 1111 of this title (as amended by the PROTECT Act) if the offense is also an offense under that section.”.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“2260A. Violence against children.”.

(c) ENHANCED PENALTIES FOR EXISTING CRIMES WHEN COMMITTED AGAINST CHILDREN.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this Act and its purposes, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide enhanced penalties when the victim of a Federal crime is under the age of 18.

(d) GAO REVIEW OF STATE LAWS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the statutory penalties for crimes against children under State laws and the sentencing practices of the States with respect to those crimes, including whether a State provides enhanced penalties when the victim of the crime is a child; and

(2) report the findings of the review to Congress.

SEC. 102. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating

to the investigation or prosecution of the crime.

TITLE II—GRANT PROGRAMS

SEC. 201. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking arrests, prosecutions, and convictions for crimes against children;

(5) encouraging, developing, and strengthening programs, procedures, and policies that enhance cross-collaboration and cross-communication between law enforcement and child services agencies regarding the care, treatment, and services for child victims; and

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(ii) the State, the Indian tribal government, or the State in which the unit of local government is located is in compliance with sections 301 and 302.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

SEC. 202. EDUCATION, PREVENTION, AND VICTIMS' ASSISTANCE GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, units of local government, and nongovernmental organizations to provide education, prevention, intervention, and victims' assistance services regarding crimes against children.

(b) PURPOSES.—Grants provided under this section shall be used to provide education, prevention, and intervention services to prevent crimes against children and to provide assistance to children, and the families of children, who are victims of crime, including—

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational materials;

(5) intervention services to prevent crimes against children;

(6) other efforts to increase awareness of the facts about, or to help prevent, crimes against children, including efforts to increase awareness in underserved racial, ethnic, and language minority communities;

(7) emergency medical treatment for victims;

(8) counseling to victims of crimes against children and their families; and

(9) increasing the supply of mental health professionals specializing in the mental health of victims of crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, unit of local government, or nongovernmental organization that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, unit of local government, or nongovernmental organization applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant—

(i) in the case of a State, Indian tribal government, or unit of local government, that the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(ii) in the case of a nongovernmental organization, that the nongovernmental organization has experience in providing education, prevention, or intervention services regarding crimes against children or has experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section, provided that the Attorney General may waive such requirement for nongovernmental organizations in extraordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section 303.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

TITLE III—NATIONWIDE PROGRAMS

SEC. 301. NATIONWIDE AMBER ALERT.

Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 201 shall have in place a statewide AMBER Alert communications network for child abduction cases.

SEC. 302. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to section 201 shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. 303. NATIONAL SAFE HAVEN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 202 shall have in effect a statute that—

(1) permits a parent to leave a newborn baby with a medically-trained employee of a hospital emergency room anonymously without any criminal or other penalty;

(2) includes a mechanism to encourage and permit a hospital employee in the receiving hospital to collect information about the medical history of the family subject to the approval of the parent;

(3) requires law enforcement entities in the State, immediately after relinquishment of a child under paragraph (1), to search State and Federal missing person databases to ensure that the child has not been reported missing; and

(4) includes a plan for publicizing the State's Safe Haven law.

(b) EXCEPTION.—Notwithstanding subsection (a)(1), a State statute in effect pursuant to this section may deny a parent the ability to leave a newborn baby anonymously without any criminal or other penalty if the newborn baby shows signs of abuse or appears to have been intentionally harmed.

SEC. 304. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

(a) REPORT BY STATES.—Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report detailing the State's program funded under that subpart, including the process for maintaining records and verifying the well-being of the children under the State's care.

(b) GAO STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall report to Congress on State practices and policies under the child welfare program funded under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.). The report shall include the following:

(1) How States are maintaining records and verifying the well-being of the children under their care, including how well States are keeping track of where those children are.

(2) Whether and how the review system being undertaken by the Secretary of Health and Human Services is helping States to reform their child welfare system.

(3) The best practices being implemented by the States.

(4) Recommendations for legislative changes by Congress.

SA 2949. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block

grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—FAIR TREATMENT AND DUE PROCESS PROTECTION

Subtitle A—Access to Translation Services and Language Education Programs

SEC. _____ 01. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 106(d), is amended by adding at the end the following:

“(14) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

SEC. _____ 02. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) IN GENERAL.—Section 407(c)(6) (42 U.S.C. 607(c)(6)), as amended by section 109(f), is amended by adding at the end the following:

“(G) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

“(i) advise the adult recipient of available programs or activities in the community to address the recipient’s education needs;

“(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

“(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

“(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

“(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section _____01(b), is amended by adding at the end the following:

“(15) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

Subtitle B—Sanctions and Due Process Protections

SEC. _____ 21. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section _____01(a), is amended by adding at the end the following:

“(13) SANCTION PROCEDURES.—

“(A) PRE-SANCTION REVIEW PROCESS.—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

“(i) Provide or send notice to the individual or family, and, if the recipient’s native language is not English, through a culturally competent translation, of the following information:

“(I) The specific reason for the proposed sanction.

“(II) The amount of the proposed sanction.

“(III) The length of time during which the proposed sanction would be in effect.

“(IV) The steps required to come into compliance or to show good cause for noncompliance.

“(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

“(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

“(ii) (I) Ensure that, subject to clause (iii)—

“(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

“(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

“(II) An individual to which this subclause applies may—

“(aa) modify the determination to impose a sanction;

“(bb) determine that there was good cause for the individual or family’s failure to comply;

“(cc) recommend modifications to the individual’s individual responsibility or employment plan; and

“(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

“(iii) The review required under clause (ii) shall include consideration of the following:

“(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited

literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

“(II) Whether the individual or family’s failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

“(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

“(IV) Whether the individual or family has good cause for any noncompliance.

“(V) Whether the State’s sanction policies have been applied properly.

“(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

“(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual’s or family’s native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

“(ii) resume the individual’s or family’s full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

“(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section _____02(b), is amended by adding at the end the following:

“(16) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(ii) (42 U.S.C. 602(a)(1)(B)(ii)), as redesignated by section 101(a)(1)(B)(ii), is amended by inserting “, and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program” before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND

OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

“(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—A State to which a grant is made under section 403 shall—

“(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

“(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

“(ii) to all such recipients on a semiannual basis; and

“(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient's native language is not English, through a culturally competent translation; and

“(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.”.

(2) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

“(17) PENALTY FOR FAILURE TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

Subtitle C—Data Collection and Reporting Requirements

SEC. 31. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 112(a), is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “(except for information relating to activities carried out under section 403(a)(5))” and inserting “, and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible”;

(B) by striking clause (v) and inserting the following:

“(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.”;

(C) in clause (vii), by striking “and educational level” and inserting “, educational level, and primary language”;

(D) in clause (viii), by striking “and educational level” and inserting “, educational level, and primary language”; and

(E) in clause (xi), in the matter preceding subclause (I), by inserting “, including, to the extent such information is available, information on the specific type of job, or education or training program” before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

“(B) INFORMATION REGARDING APPLICANTS.—

“(i) IN GENERAL.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

“(ii) REQUIREMENT.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.”.

SEC. 32. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) CASE CLOSURE REASONS.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 31, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 31) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 31) the following:

“(C) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—

“(i) IN GENERAL.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

“(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

“(II) The medical or health problems of a recipient.

“(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

“(IV) Changes in eligibility status.

“(V) Other administrative reasons.

“(ii) OTHER REQUIREMENTS.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

“(iii) PUBLIC COMMENT.—The Secretary shall promulgate for public comment regulations that—

“(I) list the case closure reasons developed under clause (i);

“(II) require States, not later than October 1, 2006, to use such reasons in accordance with subparagraph (A)(xvi); and

“(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of addi-

tional reasons for case closures not included on the list developed under clause (i).

“(iv) REVIEW AND MODIFICATION.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.”.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)), as so amended, is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking “or” at the end;

(B) in subclause (V), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.”;

(2) by redesignating clauses (xvii) through (xx), as clauses (xviii) through (xxi), respectively; and

(3) by inserting after clause (xvi), the following:

“(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.”.

SEC. 33. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) IN GENERAL.—Section 413 (42 U.S.C. 613), as amended by section 101(e) is amended by striking subsection (d) and inserting the following:

“(d) LONGITUDINAL STUDIES OF APPLICANTS AND RECIPIENTS TO DETERMINE THE FACTORS THAT CONTRIBUTE TO POSITIVE EMPLOYMENT AND FAMILY OUTCOMES.—

“(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a State-wide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

“(2) REQUIREMENTS.—The studies conducted under this subsection shall—

“(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

“(B) collect information on—

“(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

“(ii) family income (including earnings, unemployment compensation, and child support);

“(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

“(iv) the reasons for leaving or returning to needs-based assistance programs;

“(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

“(vi) sanction status (including reasons for sanction);

“(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

“(viii) recipient views regarding program participation; and

“(ix) measures of income change, poverty, extreme poverty, food security and use of food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

“(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

“(4) REPORTS.—

“(A) INTERIM REPORTS.—Not later than October 1, 2007, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

“(B) SUBSEQUENT REPORTS.—Not later than October 1, 2009, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.”.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(e) (42 U.S.C. 611(e)), as redesignated by section 112(e)(1) and amended by section 112(f), is amended—

(A) in paragraph (2)—

(i) by inserting “(including types of sanctions or other grant reductions)” after “financial characteristics”; and

(ii) by inserting “, disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed” before the semicolon;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families’ income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.”.

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)), as amended by section 112, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

“(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.”.

SEC. 34. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 (42 U.S.C. 611), as amended by section 112(e), is amended by adding at the end the following:

“(e) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is made in a manner that protects the privacy of such individuals and families.”.

SA 2950. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PREVENTING VIOLENCE AGAINST CHILDREN

Subtitle A—Enhanced Federal Role in Crimes Against Children

SEC. 01. ENHANCED PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“§ 2260A. Violence against children

“(a) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subsection (b), by force or threat of force willfully injures or attempts to injure any person under 18 years of age—

“(1) shall be imprisoned for not more than 10 years and fined in accordance with this title; and

“(2) shall be imprisoned for any term of years or for life, and fined in accordance with this title if—

“(A) death results from the offense; or

“(B) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(b) CIRCUMSTANCES.—For purposes of subsection (a), the circumstances described in this subsection are that—

“(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(A) across a State line or national border; or

“(B) using a channel, facility, or instrumentality of interstate or foreign commerce; or

“(2) in connection with the conduct described in subsection (a), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce.

“(c) PENALTIES.—An offense under this section shall also be subject to the penalties provided in section 1111 of this title (as amended by the PROTECT Act) if the offense is also an offense under that section.”.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

“2260A. Violence against children.”.

(c) ENHANCED PENALTIES FOR EXISTING CRIMES WHEN COMMITTED AGAINST CHILDREN.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this Act and its pur-

poses, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide enhanced penalties when the victim of a Federal crime is under the age of 18.

(d) GAO REVIEW OF STATE LAWS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the statutory penalties for crimes against children under State laws and the sentencing practices of the States with respect to those crimes, including whether a State provides enhanced penalties when the victim of the crime is a child; and

(2) report the findings of the review to Congress.

SEC. 02. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

Subtitle B—Grant Programs

SEC. 11. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking arrests, prosecutions, and convictions for crimes against children;

(5) encouraging, developing, and strengthening programs, procedures, and policies that enhance cross-collaboration and cross-communication between law enforcement

and child services agencies regarding the care, treatment, and services for child victims; and

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(ii) the State, the Indian tribal government, or the State in which the unit of local government is located is in compliance with sections 21 and 22.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

SEC. 12. EDUCATION, PREVENTION, AND VICTIMS' ASSISTANCE GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, units of local government, and nongovernmental organizations to provide education, prevention, intervention, and victims' assistance services regarding crimes against children.

(b) PURPOSES.—Grants provided under this section shall be used to provide education, prevention, and intervention services to prevent crimes against children and to provide assistance to children, and the families of children, who are victims of crime, including—

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational materials;

(5) intervention services to prevent crimes against children;

(6) other efforts to increase awareness of the facts about, or to help prevent, crimes against children, including efforts to increase awareness in underserved racial, ethnic, and language minority communities;

(7) emergency medical treatment for victims;

(8) counseling to victims of crimes against children and their families; and

(9) increasing the supply of mental health professionals specializing in the mental health of victims of crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, unit of local government, or nongovernmental organization that desires a grant under this section shall submit an application to the Attorney General at such

time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, unit of local government, or nongovernmental organization applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant—

(i) in the case of a State, Indian tribal government, or unit of local government, that the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(ii) in the case of a nongovernmental organization, that the nongovernmental organization has experience in providing education, prevention, or intervention services regarding crimes against children or has experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section, provided that the Attorney General may waive such requirement for nongovernmental organizations in extraordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section 23.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 2004 through 2008.

Subtitle C—Nationwide Programs

SEC. 21. NATIONWIDE AMBER ALERT.

Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 11 shall have in place a statewide AMBER Alert communications network for child abduction cases.

SEC. 22. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to section 11 shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. 23. NATIONAL SAFE HAVEN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 12 shall have in effect a statute that—

(1) permits a parent to leave a newborn baby with a medically-trained employee of a hospital emergency room anonymously without any criminal or other penalty;

(2) includes a mechanism to encourage and permit a hospital employee in the receiving hospital to collect information about the medical history of the family subject to the approval of the parent;

(3) requires law enforcement entities in the State, immediately after relinquishment of a child under paragraph (1), to search State and Federal missing person databases to ensure that the child has not been reported missing; and

(4) includes a plan for publicizing the State's Safe Haven law.

(b) EXCEPTION.—Notwithstanding subsection (a)(1), a State statute in effect pursu-

ant to this section may deny a parent the ability to leave a newborn baby anonymously without any criminal or other penalty if the newborn baby shows signs of abuse or appears to have been intentionally harmed.

SEC. 24. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

(a) REPORT BY STATES.—Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report detailing the State's program funded under that subpart, including the process for maintaining records and verifying the well-being of the children under the State's care.

(b) GAO STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall report to Congress on State practices and policies under the child welfare program funded under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.). The report shall include the following:

(1) How States are maintaining records and verifying the well-being of the children under their care, including how well States are keeping track of where those children are.

(2) Whether and how the review system being undertaken by the Secretary of Health and Human Services is helping States to reform their child welfare system.

(3) The best practices being implemented by the States.

(4) Recommendations for legislative changes by Congress.

SA 2951. Mr. SMITH (for himself, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill insert the following:

Title —LOCAL LAW ENFORCEMENT ENHANCEMENT ACT.

SEC. 01. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Enhancement Act of 2004".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 03. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraor-

dinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2005, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2005 and 2006.

SEC. 05. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 06. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2005, 2006, and 2007 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 07.

SEC. 07. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 232 of this title; and

“(2) the term ‘firearm’ has the meaning given the term in section 921(a) of this title.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”

SEC. 08. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to the authority provided under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 09. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender,” after “race.”

SEC. 10. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2952. Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr.

CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 297, strike lines 13 through 15, and insert the following:

(d) STATE FLEXIBILITY.—Section 510(b) (42 U.S.C. 710(b)) is amended—

(1) in paragraph (1), by striking “and at the option of the State, where appropriate,” and inserting “as defined in subparagraph (A) or (B) of paragraph (2), at the option of the State, and;” and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “an” and inserting “a medically and scientifically accurate”; and

(B) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively and realigning the left margins of such clauses accordingly;

(C) by inserting “(A)” after “(2)”;

(D) in clause (viii) of subparagraph (A) (as redesignated by subparagraph (B) and amended by subparagraph (C)), by striking the period at the end and inserting “; or”; and

(E) by adding at the end the following:

“(B) promotes abstinence and educates those who are currently sexually active or at risk of sexual activity about additional methods to reduce unintended pregnancy or other health risks.”

(e) COMPARATIVE EVALUATION OF ABSTINENCE EDUCATION PROGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services shall, in consultation with an advisory panel of researchers identified by the Board on Children, Youth, and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement, which assesses the relative efficacy of 2 approaches to abstinence education for adolescents. The study shall—

(A) be designed to enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a similar abstinence program which includes education about contraception and means of preventing the transmission of HIV and sexually-transmitted diseases; and

(B) measure key outcomes, including behaviors that put teens at risk for unintended pregnancy and childbearing and for HIV and other sexually transmitted diseases, such as sexual activity, contraceptive use, condom use and patterns of sexual relationships.

(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, the Secretary of Health and Human Services shall submit a report to Congress that contains the results of the study conducted under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$5,000,000 for the period of fiscal years 2005 through 2009.

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to the program under section 510 for fiscal years 2005 and succeeding fiscal years.

SA 2953. Mr. BAUCUS (for himself, Mr. CORZINE Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access

to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) AT HOME INFANT CARE.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is further amended by adding at the end the following:

“(m) DEMONSTRATION PROJECTS FOR AT HOME INFANT CARE.—

“(1) AUTHORITY TO AWARD GRANTS.—

“(A) IN GENERAL.—The Secretary shall award grants to not less than 5 and not more than 10 States to enable such States to carry out demonstration projects to provide at-home infant care benefits to eligible low-income families.

“(B) INDIAN TRIBES.—An Indian tribe may submit an application for a grant under this subsection. If awarded a grant, the Indian tribe shall conduct a demonstration project to provide at-home infant care benefits to eligible low-income families in the same manner, and to the same extent as a State, except that the Secretary may modify the requirements of this subsection as appropriate with respect to the Indian tribe. For purposes of subparagraph (A), any grant awarded to an Indian tribe shall not count toward the number of grants awarded to States.

“(2) FAMILY ELIGIBILITY.—

“(A) IN GENERAL.—To be eligible to participate in a program of at-home infant care under a demonstration project established under paragraph (1), a family shall—

“(i) have an income that does not exceed the limits specified in section 658F(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(3)(B));

“(ii) include a child under the age of 2;

“(iii) include a parent (as defined in section 658F(8) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(8))), who meets the State’s requirements for having had a recent work history prior to application for at-home infant care benefits; and

“(iv) meet such other eligibility requirements as the State may establish.

“(B) 2-PARENT FAMILIES.—A State selected to participate in a demonstration project of at-home infant care under this section shall permit 2-parent families to participate in the project but may not limit participation in the project to such families.

“(3) AMOUNT OF ASSISTANCE.—The amount of at-home infant care benefits provided to an eligible family under this subsection for a month of benefit receipt shall not exceed the payment rate applicable to eligible child care providers for infant care under the State’s payment rate schedule, according to the provisions of section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)).

“(4) SUBMISSION OF APPLICATIONS.—An eligible low-income parent may submit an application for at-home infant care benefits under a demonstration project established under this subsection at any time prior to the date on which the child attains age 2.

“(5) REQUIRED CERTIFICATIONS.—A State selected to participate in a demonstration project of at-home infant care under this section shall provide certifications to the Secretary that—

“(A) during the period of the demonstration project, the State shall not reduce expenditures for child care services below the levels in effect in the fiscal year preceding the fiscal year in which the State begins to participate in the project;

“(B) the State, in operating the demonstration project, shall not give priority or preference to parents seeking to participate in the program of At-Home Infant Care over

other eligible parents on a waiting list for child care assistance in the State;

“(C) the State shall—

“(i) provide parents applying to receive at-home infant care benefits with information on the range of options for child care available to the parents;

“(ii) ensure that approved applicants for at-home infant care are permitted to choose between receipt of at-home infant care benefits and receipt of a certificate that may be used with an eligible child care provider for child care needed for employment; and

“(iii) provide that a family receiving an at-home infant care benefit may exchange the benefit for a child care voucher for employment at any time during the family's participation in the program;

“(D) the State shall develop or update and implement a plan to improve the quality of infant care, and shall use up to 10 percent of the funds received under the demonstration project for efforts to improve the quality of infant care in the State;

“(E) the State shall ensure that voluntary employment services are offered to program participants after the completion of participation in the program to assist the participants in returning to unsubsidized employment; and

“(F) the State shall cooperate with information collection and evaluation activity conducted by the Secretary.

“(6) TANF ASSISTANCE.—The receipt of an at-home infant care benefit funded under this subsection shall not be considered assistance under the State program funded under this part for any purpose.

“(7) BENEFIT NOT TREATED AS INCOME.—Notwithstanding any other provision of law, the value of an at-home infant care benefit funded under this subsection shall not be treated as income for purposes of any Federal or federally-assisted program that bases eligibility, or the amount of benefits or services provided, on need.

“(8) APPLICATION FOR PARTICIPATION AND SELECTION OF STATES.—

“(A) APPLICATIONS.—Not later than 90 days after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act, the Secretary shall publish a notice of opportunity to participate, specifying the contents of an application for participation in the At-Home Infant Care demonstration project funded under this subsection. The notice shall include a time-frame for States to submit an application to participate, and shall provide that all such applications are to be submitted not later than 270 days after such date of enactment.

“(B) SELECTION.—

“(i) IN GENERAL.—The Secretary shall review the applications and select the participating States not later than 1 year after such date of enactment.

“(ii) CRITERIA.—In selecting States to participate in the demonstration project funded under this subsection, the Secretary shall—

“(I) seek to ensure geographic diversity; and

“(II) give priority to States—

“(aa) whose applications demonstrate a strong commitment to improving the quality of infant care and the choice available to parents of infants;

“(bb) with experience relevant to the operation of at-home infant care programs; and

“(cc) in which there are demonstrable shortages of infant care.

“(9) EVALUATION AND REPORT TO CONGRESS.—

“(A) IN GENERAL.—The Secretary shall conduct an evaluation of the demonstration projects conducted under this subsection and submit a report to Congress on such evaluation not later than 4 years after the date of enactment of the Personal Responsibility

and Individual Development for Everyone Act.

“(B) REQUIREMENTS.—The evaluation required under this paragraph shall expressly address the following:

“(i) Implementation experiences of the States participating in the project in developing and operating programs of at-home infant care, including design issues and issues in coordinating at-home infant care benefits with benefits provided or funded under the Child Care and Development Block Grant in the State.

“(ii) The characteristics of families seeking to participate and participating in the programs of at-home infant care funded under this subsection.

“(iii) The length of participation by families in such programs and the reasons for the families ceasing to participate in the programs.

“(iv) The prior and subsequent employment of participating families and the effect of program participation on subsequent employment participation of the families.

“(v) The costs and benefits of the programs of at-home infant care.

“(vi) The effectiveness of State or tribal efforts to improve the quality of infant care during the period in which the demonstration project is conducted in the State.

“(C) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (10) for a fiscal year, \$750,000 shall be reserved with respect to each such fiscal year for purposes of conducting the evaluation required under this paragraph.

“(10) APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to carry out this subsection, \$30,000,000 for each of fiscal years 2005 through 2009.”

SA 2954. Mr. ALEXANDER (for Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY)) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 2004”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Title I—Authorization

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized Levels of military strength and training.

Title II—Coast Guard Personnel, Financial, and Property Management

Sec. 201. Enlisted member critical skill training bonus.

Sec. 202. Amend limits to the number and distribution of officers.

Sec. 203. Expansion of Coast Guard housing authorities.

Sec. 204. Property owned by auxiliary units and dedicated solely for auxiliary use.

Sec. 205. Coast Guard auxiliary units as instrumentalities of the United States for taxation purposes.

Sec. 206. Maximum age for retention in an active status.

Sec. 207. Term of enlistments.

Sec. 208. Requirement for constructive credit.

Sec. 209. Nonappropriated fund instrumentalities.

Sec. 210. Travel card management.

Sec. 211. Use of military child development centers and other programs.

Title III—Law Enforcement, Marine Safety, and Environmental Protection

Sec. 301. Marking of underwater wrecks.

Sec. 302. Prohibition on operation of certain electronic devices; ports and waterways partnerships and cooperative ventures.

Sec. 303. Reports from charterers.

Sec. 304. Revision of temporary suspension criteria in suspension and revocation cases.

Sec. 305. Revision of bases for suspension and revocation cases.

Sec. 306. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.

Sec. 307. Records of merchant mariner's documents.

Sec. 308. Exemption of unmanned barges from certain citizenship requirements.

Sec. 309. Increase in civil penalties for violations of certain bridge statutes.

Sec. 310. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.

Sec. 311. Correction to definition of Federal law enforcement agencies in the enhanced border security and visa entry reform act of 2002.

Sec. 312. Stopping vessels; immunity for firing at or into vessel.

Sec. 313. Use of unexpended funds for bridge alterations under Truman-Hobbs Act.

Sec. 314. Inland navigation rules promulgation authority.

Sec. 315. Prevention of departure.

Sec. 316. Compliance with international safety management code.

Sec. 317. Amendments to vessel response plan requirements.

Sec. 318. Requirements for tank level and pressure monitoring devices.

Sec. 319. Report on implementation of the oil pollution act.

Sec. 320. Loans for fishermen impacted by oil spills.

Sec. 321. Fisheries enforcement plans and reporting.

Sec. 322. Deepwater report.

Sec. 323. Small passenger vessel safety.

Sec. 324. Electronic navigational charting.

Sec. 325. Measures for the protection of north atlantic right whales from ship strikes.

Sec. 326. Foreign vessel security plans.

Title IV—Miscellaneous

Sec. 401. Conveyance of lighthouses.

Sec. 402. LORAN-C.

Sec. 403. Conveyance of decommissioned Coast Guard cutters.

Sec. 404. Koss Cove.

Sec. 405. Declaration of non-navigability for portion of the Wateree river.

Sec. 406. Correction of 2002 coastwise trade authorization provision.

Sec. 407. Innovative construction alternatives.

Sec. 408. Bridge administration.

Sec. 409. National Coast Guard Museum.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2004.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2004 the following amounts:

(1) For the operation and maintenance of the Coast Guard, \$4,913,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund, of which—

(A) \$70,000,000 shall be available to analyze port security plans prepared in compliance with chapter 701 of title 46, United States Code;

(B) \$100,000,000 shall be available for increased operating expenses due to heightened security efforts; and

(C) \$36,000,000 may be available for use in commissioning 3 additional Marine Safety and Security Teams.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,017,000,000 (of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended, of which

(A) \$702,000,000 shall be available for the Coast Guard's integrated deepwater system;

(B) \$134,000,000 shall be available for the Coast Guard's "Rescue 21" program; and

(C) \$40,000,000 shall be available for the Automatic Identification System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay, (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,020,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) \$16,000,000, to remain available until expended; and

(B) \$2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(7) For reserve training, \$95,000,000.

(b) FISCAL YEAR 2005.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2005 the following amounts.

(1) For the operation and maintenance of the Coast Guard, \$5,404,300,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,068,000,000 (of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended, of which—

(A) \$708,000,000 shall be available for the Coast Guard's Integrated Deepwater System; and

(B) \$161,000,000 shall be available for the Coast Guard's Rescue 21 program.

(3) For research, development, test, and evaluation of technologies, materials, and

human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,200,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,122,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$18,700,000, to remain available until expended.

(G) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) \$17,850,000, to remain available until expended; and

(B) \$2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(7) For reserve training \$104,500,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2004.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2004.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2004.—For fiscal year 2004, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“§ 374. Critical skill training bonus

“(a) The Secretary may provide a bonus, not to exceed \$20,000, to enlisted members who complete training in a skill designated as critical, provided at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

“(b) If an enlisted member voluntarily or because of misconduct does not complete his or her term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary shall charge interest on the reimbursed amount at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the preceding calendar quarter.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 373 the following:

“374. Critical skill training bonus.”

SEC. 202. AMEND LIMITS TO THE NUMBER OF COMMANDERS AND LIEUTENANT COMMANDERS.

Section 42 of title 14, United States Code, is amended—

(1) by striking “The” in subsection (a) and inserting “Except in time of war or national emergency declared by Congress or the President, the”;

(2) by striking “6,200.” in subsection (a) and inserting “7,100. In time of war or national emergency, the Secretary shall establish the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard.”; and

(3) by striking “commander 12.0; lieutenant commander 18.0.” in subsection (b) and inserting “commander 15.0; lieutenant commander 22.0.”.

SEC. 203. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) DEFINITIONS.—Section 680 of title 14, United States Code, is amended by adding at the end the following:

“(5) The term ‘eligible entity’ means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”.

(b) DIRECT LOANS AND LOAN GUARANTEES.—Section 682 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 682. Direct loans and loan guarantees”;

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(3) by inserting before subsection (b), as redesignated, the following:

“(a) DIRECT LOANS.—

“(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

“(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.”;

(4) by striking “subsection (b),” in subsection (b), as redesignated, and inserting “subsection (c).”; and

(5) by striking the subsection heading for subsection (c), as redesignated, and inserting “(c) DIRECT LOANS AND LOAN GUARANTEES.—”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by striking the item related to section 682 and inserting the following:

“682. Direct loans and loan guarantees.”.

SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED SOLELY FOR AUXILIARY USE.

Section 821 of title 14, United States Code, is amended by adding at the end the following:

“(d) Subject to the approval of the Commandant:

“(1) The Coast Guard Auxiliary and each organizational element and unit (whether or not incorporated), shall have the power to acquire, own, hold, lease, encumber, mortgage, transfer, and dispose of personal property for the purposes set forth in section 822. Personal property owned by the Auxiliary or an Auxiliary unit, or any element thereof, whether or not incorporated, shall at all

times be deemed to be property of the United States for the purposes of the statutes described in paragraphs (1) through (6) of subsection (b) while such property is being used by or made exclusively available to the Auxiliary as provided in section 822.

"(2) Personal property owned by the Auxiliary or an Auxiliary unit or any element or unit thereof, shall not be considered property of the United States for any other purpose or under any other provision of law except as provided in sections 821 through 832 and section 641 of this title. The necessary expenses of operation, maintenance and repair or replacement of such property may be reimbursed using appropriated funds.

"(3) For purposes of this subsection, personal property includes, but is not limited to, motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment."

SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.

Section 821(a) of title 14, United States Code, is amended by inserting "The Auxiliary and each organizational element and unit shall be deemed to be instrumentalities and political subdivisions of the United States for taxation purposes and for those exemptions as provided under section 107 of title 4." after the second sentence.

SEC. 206. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended—

(1) by striking "sixty-two years of age." in subsection (a) and inserting "sixty years of age unless on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.;"

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

"(b) A Reserve officer on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status, shall, if qualified, be retired effective upon the day the officer becomes sixty-two years of age. If not qualified for retirement, a Reserve officer on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status, shall be discharged effective upon the day the officer becomes sixty-two years of age.;"

(3) by striking "sixty-four" in subsection (c), as redesignated, and inserting "sixty";

(4) by striking "subsections (a) and (b)," in subsection (d), as redesignated, and inserting "subsections (a), (b), and (c).;" and

(5) by striking "sixty-two" in subsection (d), as redesignated, and inserting "sixty".

SEC. 207. TERM OF ENLISTMENTS.

Section 351(a) of title 14, United States Code, is amended by striking "terms of full years not exceeding six years." and inserting "a period of at least 2 years but not more than 6 years."

SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.

The second sentence of section 727 of title 14, United States Code, is amended by striking "three years" and inserting "1 year's".

SEC. 209. NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"§ 152. Nonappropriated fund instrumentalities; contracts with other agencies and instrumentalities to provide or obtain goods and services

"The Coast Guard Exchange System, or a morale, welfare, and recreation system of

the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality thereof to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by inserting after the item relating to section 151 the following:

"152. Nonappropriated fund instrumentalities; contracts with other agencies and instrumentalities to provide or obtain goods and services".

SEC. 210. TRAVEL CARD MANAGEMENT.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

"517. Travel card management

"(a) IN GENERAL.—The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

"(b) WITHHOLDING OF NONDISPUTED OBLIGATIONS.—The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency."

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 516 the following:

"517. Travel card management".

SEC. 211. USE OF MILITARY CHILD DEVELOPMENT CENTERS AND OTHER PROGRAMS.

The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, when operating other than as a service in the Navy, may agree to provide child care services to members of the armed forces with or without reimbursement in military child development centers and other programs supported in whole or in part with appropriated funds. For purposes of military child development centers and other programs operated under the authority of subchapter II of chapter 88 of title 10, United States Code, the child of a Coast Guard member shall be considered the same as the child of a member of any of the other armed forces.

TITLE III—LAW ENFORCEMENT, MARINE SAFETY, AND ENVIRONMENTAL PROTECTION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended—

(1) by striking "day and a lighted lantern" in the second sentence inserting "day and, unless otherwise granted a waiver by the Commandant of the Coast Guard, a light"; and

(2) by adding at the end "The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light

would be impractical and granting such a waiver would not create an undue hazard to navigation."

SEC. 302. PROHIBITION ON OPERATION OF CERTAIN ELECTRONIC DEVICES; PORTS AND WATERWAYS PARTNERSHIPS AND COOPERATIVE VENTURES.

Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223), is amended—

(1) by striking "and" after the semicolon in subsection (a) (4)(D);

(2) by striking "environment." in subsection (a)(5) and inserting "environment.;"

(3) by adding at the end of subsection (a) the following:

"(6) may prohibit the use of electronic or other devices that interfere with communications and navigation equipment;

"(7) may carry out the functions under paragraph (1) of this subsection, at the Secretary's discretion and on such terms and conditions as the Secretary deems appropriate, either solely, or in cooperation with a public or private agency, authority, association, institution, corporation, organization or person, except that a non-governmental entity may not carry out an inherently governmental function; and

"(8) may, for the purpose of carrying out the Secretary's functions under paragraph (1) of this subsection, convey or lease real property under the administrative control of the Coast Guard to public or private agencies, authorities, associations, institutions, corporations, organizations, or persons for such consideration and upon such terms and conditions as the Secretary considers appropriate, except that the term of any such lease shall not exceed 20 years.;" and

(4) by adding at the end the following:

"(e) SPECIAL PROVISIONS RELATING TO SUBSECTION (a)(7) and (8).—

"(1) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—For purposes of subsection (a)(7), the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

"(2) DISPOSITION OF PROCEEDS FROM CONVEYANCES AND LEASES.—Amounts collected under subsection (a)(7) shall be credited to a special fund in the Treasury and ascribed to the Coast Guard. The amounts collected shall be available to the Coast Guard's 'Operating Expenses' account without further appropriation and without fiscal year limitation, and the amounts appropriated from the general fund for that account shall be reduced by the amounts so collected.

"(3) NONAPPLICATION OF CERTAIN ACTS.—A conveyance or lease of real property under subsection (a)(8) is not subject to subtitle I of title 40, United States Code, or the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.)."

SEC. 303. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking "owners and masters" and inserting "owners, masters, and charterers".

SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA IN SUSPENSION AND REVOCATION CASES.

Section 7702(d)(1) of title 46, United States Code, is amended—

(1) by striking "if, when acting under the authority of that license, certificate, or document—" and inserting "if--";

(2) by striking "has" in subparagraph (B)(i) and inserting "has, while acting under the authority of that license, certificate, or document.;"

(3) by striking "or" at the end of subparagraph (B)(ii);

(4) by striking "1982." in subparagraph (B)(iii) and inserting "1982; or"; and

(5) by adding at the end of subparagraph (B) the following:

"(iv) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment."

SEC. 305. REVISION OF BASES FOR SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) by striking "incompetence, misconduct, or negligence;" in paragraph (1)(B) and insert "misconduct or negligence;";

(2) by striking "or" after the semicolon in paragraph (2);

(3) by striking "(note)." in paragraph (3) and inserting "(note)."; and

(4) by adding at the end the following:

"(4) has committed an act of incompetence relating to the operation of a vessel, whether or not acting under the authority of that license, certificate, or document; or

"(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment."

SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION & REVOCATION CASES.

Section 7704(b) of title 46, United States Code, is amended by inserting "suspended or" after "shall be".

SEC. 307. RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking the second sentence.

SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.

(a) Section 12110(d) of title 46, United States Code, is amended by inserting "or an unmanned barge operating outside of the territorial waters of the United States," after "recreational endorsement."

(b) Section 12122(b)(6) of title 46, United States Code, is amended by inserting "or an unmanned barge operating outside of the territorial waters of the United States," after "recreational endorsement."

SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C. 495) is amended by striking "\$1,000." and inserting "\$25,000."

(b) Section 5(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1894 (33 U.S.C. 499), is amended by striking "\$1,000." and inserting "\$25,000."

(c) Section 18(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", enacted March 3, 1899 (33 U.S.C. 502) is amended by striking "\$1,000." and inserting "\$25,000."

(d) Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533) is amended by striking "\$1,000." and inserting "25,000."

SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.

Section 4311 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting "(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than \$5,000, except that the maximum civil penalty may be not more than \$250,000 for a related series of violations.";

(2) by striking "4307(a)(1)," in the second sentence of subsection (b) and inserting "4307(a).";

(3) by redesignating paragraphs (1) and (2) of subsection (b) as subparagraphs (A) and (B), respectively;

(4) by adding at the end of subsection (b) the following:

"(2) Any person, including, a director, officer, or executive employee of a corporation, who knowingly and willfully violates section 4307(a) of this title, shall be fined not more than \$10,000, imprisoned for not more than one year, or both."; and

(5) by striking "\$1,000." in subsection (c) and inserting "\$5,000."

SEC. 311. CORRECTION TO DEFINITION OF FEDERAL LAW ENFORCEMENT AGENCIES IN THE ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002.

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. 107-173, is amended by striking subparagraph (G) and inserting the following:

"(G) The United States Coast Guard."

SEC. 312. STOPPING VESSELS; IMMUNITY FOR FIRING AT OR INTO VESSEL.

(a) IN GENERAL.—Section 637 of title 14, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the person in command or in charge of the authorized vessel or authorized aircraft may, after a gun has been fired by the authorized vessel or authorized aircraft as a warning signal, fire at or into the vessel which does not stop; except that the prior use of the warning signal is not required if its use would unreasonably endanger persons or property in the vicinity of the vessel.";

(2) by inserting "or" after the semicolon in subsection (c)(1);

(3) by striking paragraphs (2) and (3) of subsection (c) and inserting the following:

"(2) it is a surface naval vessel or military aircraft on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10."; and

(4) by striking subsection (d).

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the location, vessels or aircraft, circumstances, and consequences of each incident in the 12-month period covered by the report in which the person in command or in charge of an authorized vessel or an authorized aircraft (as those terms are used in section 637 of title 14, United States Code) fired at or into a vessel without prior use of the warning signal as authorized by that section.

SEC. 313. USE OF UNEXPENDED FUNDS FOR BRIDGE ALTERATIONS UNDER TRUMAN-HOBBS ACT.

Section 8 of the Act of June 21, 1940 (33 U.S.C. 518) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) UNEXTENDED FUNDS.—In addition to other uses permitted by law, upon completion of a bridge alteration project, unexpended funds previously appropriated or otherwise available for the completed project may be used to pay the Federal share of the design and construction costs for other

bridge alteration projects authorized under this Act."

SEC. 314. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.

(a) REPEAL.—Section 2 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001) is repealed.

(b) INLAND NAVIGATION RULES.—Section 3 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2002) is amended to read as follows:

"SEC. 3. INLAND NAVIGATION RULES.

"The Secretary may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations."

SEC. 315. PREVENTION OF DEPARTURE.

Section 3505 of title 46, United States Code, is amended to read as follows:

"§ 3505. Prevention of departure

"Notwithstanding section 3303(a) of this title, a foreign vessel carrying a citizen of the United States as a passenger or embarking passengers from a United States port may not depart from a United States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party."

SEC. 316. COMPLIANCE WITH INTERNATIONAL SAFETY MANAGEMENT CODE.

(a) APPLICATION OF EXISTING LAW.—Section 3202(a) of title 46, United States Code, is amended to read as follows:

"(a) MANDATORY APPLICATION.—This chapter applies to a vessel that—

"(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

"(B) is of at least 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, that is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

"(2)(A) is engaged on a foreign voyage; or

"(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas."

(b) COMPLIANCE OF REGULATIONS WITH INTERNATIONAL SAFETY MANAGEMENT CODE.—Section 3203(b) of title 46, United States Code, is amended by striking "vessels engaged on a foreign voyage." and inserting "vessels to which this chapter applies."

SEC. 317. AMENDMENTS TO VESSEL RESPONSE PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended—

(1) by striking the caption of paragraph (5) and inserting "(5) TANK VESSEL, NON-TANK VESSEL, AND FACILITY RESPONSE PLANS.—";

(2) by adding at the end of paragraph (5)(A) "The President shall also issue regulations which require an owner or operator of a non-tank vessel described in subparagraph (C) to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil.";

(3) by striking "vessels and" in paragraph (5)(B) and inserting "vessels, non-tank vessels, and";

(4) by redesignating clauses (ii) and (iii) of paragraph (5)(B) as clauses (iii) and (iv), respectively, and inserting after clause (1) the following:

"(ii) A non-tank vessel.";

(5) by striking "vessel or" in paragraph (5)(D) and inserting "vessel, a non-tank vessel, or an";

(6) by inserting "non-tank vessel," in paragraph (5)(E) after "vessel," each place it appears;

(7) by inserting "non-tank vessel," in paragraph (5)(F) after "vessel,";

(8) by striking "vessel or" in paragraph (5)(F) and inserting "vessel, non-tank vessel, or";

(9) by inserting "non-tank vessel," in paragraph (5)(G) after "vessel,";

(10) by inserting "and non-tank vessel" in paragraph (5)(H) after "cash tank vessel";

(11) by striking "Not later than 2 years after the date of enactment of this section, the President shall require—" in paragraph (6) and inserting "The President shall require—";

(12) by striking "cargo" in paragraph (6)(B) and inserting "cargo, and non-tank vessels carrying oil of any kind as fuel for main propulsion,"; and

(13) by striking "vessel and" in paragraph (7) and inserting "vessel, non-tank vessel, and" in paragraph (7).

(b) NON-TANK VESSEL DEFINED.—Section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) by striking "and" after the semicolon in paragraph (24)(B);

(2) by striking "threat." in paragraph (25) and inserting "threat; and"; and

(3) by adding at the end the following:

"(26) 'non-tank vessel' means a self-propelled vessel of 400 gross tons or greater, other than a tank vessel, which carries oil of any kind as fuel for main propulsion and that—

"(A) is a vessel of the United States; or
 "(B) operates on the navigable waters of the United States."

(c) ADDITION OF NOXIOUS LIQUID SUBSTANCES TO THE LIST OF HAZARDOUS SUBSTANCES FOR WHICH THE COAST GUARD MAY REQUIRE A RESPONSE PLAN.—Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) is further amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;

(2) by inserting after subparagraph (A) the following:

"(B) The Secretary of the Department in which the Coast Guard is operating may issue regulations which require an owner or operator of a tank vessel, a vessel carrying in bulk noxious liquid substances, or a facility described in subparagraph (C) to prepare and submit to the Secretary a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a noxious liquid substance. For purposes of this paragraph, the term 'noxious liquid substance' has the same meaning when that term is used in the MARPOL Protocol described in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)), and the term 'carrying in bulk' means loading or carrying on board a vessel without the benefit of containers or labels and received and handled by carrier without mark or count.";

(3) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraph (C)";

(4) by striking "subparagraph (A)" in subparagraph (C), as redesignated, and inserting "subparagraphs (A) and (B)";

(5) by striking "subparagraph (D)," in clause (1) of subparagraph (F), as redesignated, and inserting "subparagraph (E)," and

(6) by striking subparagraph (G), as redesignated, and inserting the following:

"(G) Notwithstanding subparagraph (F), the President may authorize a tank vessel, non-tank vessel, offshore facility, or onshore facility that handles, stores, or transports

oil to operate without a response plan approved under this paragraph, until not later than 2 years after the date of the submission to the President of a plan for the tank vessel, non-tank vessel, or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the President the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge."

SEC. 318. REQUIREMENTS FOR TANK LEVEL AND PRESSURE MONITORING DEVICES.

Section 4110 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(1) by striking "shall" each place it appears and inserting "may"; and

(2) by adding at the end the following:

"(c) STUDY.—

"(1) The Secretary of the Department in which the Coast Guard is operating shall conduct a study analyzing the costs and benefits of methods other than those described in subsections (a) and (b) for effectively detecting the loss of oil from oil cargo tanks. The study may include technologies, monitoring procedures, and other methods.

"(2) In conducting the study, the Secretary may seek input from Federal agencies, industry, and other entities.

"(3) The Secretary shall provide the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 180 days after the date of enactment of this Act."

SEC. 319. REPORT ON IMPLEMENTATION OF THE OIL POLLUTION ACT.

(a) IN GENERAL.—No later than 180 days of enactment of this Act, the Coast Guard shall provide a written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with respect to issues related to implementation of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(b) SCOPE.—The report shall include the following:

(1) The status of the levels of funds currently in the Oil Spill Liability Trust Fund and projections for levels of funds over the next 5 years.

(2) The domestic and international implications of changing the phase-out date for single hull vessels pursuant to section 3703a of title 46, United States Code, from 2015 to 2010.

(3) The costs and benefits of requiring vessel monitoring systems on tank vessels used to transport oil or other hazardous cargo, and from using additional aids to navigation, such as RACONS.

(4) A summary of the extent to which the response costs and damages for oil spill incidents have exceeded the liability limits established in section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704), and a description of the steps that the Coast Guard has taken or plans to take to implement subsection (d)(4) of that Act (33 U.S.C. 2704(d)(4)).

(5) A summary of manning, inspection, and other safety issues for tank barges and towing vessels used in connection with them, including—

(A) a description of applicable Federal regulations, guidelines, and other policies;

(B) a record of infractions of applicable requirements described in subparagraph (A) over the past 10 years;

(C) an analysis of oil spill data over the past 10 years, comparing the number and size of oil spills from tank barges with those from tanker vessels of a similar size; and

(D) recommendations on areas of possible improvements to existing regulations, guide-

lines and policies with respect to tank barges and towing vessels.

SEC. 320. LOANS FOR FISHERMEN IMPACTED BY OIL SPILLS.

(a) INTEREST; PARTIAL PAYMENT OF CLAIMS.—Section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) is amended by adding at the end the following:

"(f) LOAN PROGRAM.—

"(1) IN GENERAL.—The President shall establish a loan program under the Fund to provide interim assistance to fishermen and aquaculture producer claimants during the claims procedure.

"(2) ELIGIBILITY FOR LOAN.—A loan may be made under paragraph (1) only to a fisherman or aquaculture producer that—

"(A) has incurred damages for which claims are authorized under section 1002;

"(B) has made a claim pursuant to this section that is pending; and

"(C) has not received an interim payment under section 1005(a) for the amount of the claim, or part thereof, that is pending.

"(3) TERMS AND CONDITIONS OF LOANS.—A loan awarded under paragraph (1)—

"(A) shall have flexible terms, as determined by the President;

"(B) shall be for a period ending on the later of—

"(i) the date that is 5 years after the date on which the loan is made; or

"(ii) the date on which the fisherman or aquaculture producer receives payment for the claim to which the loan relates under the procedure established by subsections (a) through (e) of this section; and

"(C) shall be at a low interest rate, as determined by the President."

(b) USES OF THE FUND.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) by striking "Act." in paragraph (5)(C) and inserting "Act; and"; and

(2) by adding at the end the following:

"(6) the making of loans pursuant to the program established under section 1013(f)."

(c) STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a study that contains—

(1) an assessment of the effectiveness of the claims procedures and emergency response programs under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) concerning claims filed by, and emergency responses carried out to protect the interests of, fishermen and aquaculture producers; and

(2) any legislative or other recommendations to improve the procedures and programs referred to in paragraph (1).

SEC. 321. FISHERIES ENFORCEMENT PLANS AND REPORTING.

(a) FISHERIES ENFORCEMENT PLANS.—The Coast Guard and the National Oceanic and Atmospheric Administration shall, to the maximum extent possible, consult with each other and with State and local enforcement authorities in preparing their annual fisheries enforcement plans.

(b) FISHERY PATROLS.—Prior to undertaking fisheries patrols, the Coast Guard and the National Oceanic and Atmospheric Administration shall, to the maximum extent possible, provide to each other and to appropriate State and local enforcement authorities their intentions and projected dates for such patrols.

(c) ANNUAL SUMMARY.—The Coast Guard and National Oceanic and Atmospheric Administration shall prepare and make available to each other, State and local enforcement entities, and other relevant stakeholders, an annual summary report of fisheries enforcement activities for the preceding year, including a summary of the

number of patrols, law enforcement actions taken, and resource hours expended.

SEC. 322. DEEPWATER REPORT.

No later than 180 days after enactment of this Act, the Coast Guard shall provide a written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with respect to performance under the first term of the Integrated Deepwater System contract. The report shall include an analysis of how well the prime contractor has met the two key performance goals of operational effectiveness and minimizing total ownership costs. The report shall include a description of the measures implemented by the prime contractor to meet these goals and how these measures have been or will be applied for subcontracts awarded during the 5-year term of the contract, as well as criteria used by the Coast Guard to assess the contractor's performance against these goals. To the extent available, the report shall include performance and cost comparisons of alternatives examined in implementing the contract.

SEC. 323. SMALL PASSENGER VESSEL SAFETY.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall report to the Congress regarding the enforcement efforts and degree of compliance regarding the 1996 amendments to the Small Passenger Vessel Regulations (title 46, Code of Federal Regulations, part 185) requiring the master of a small passenger vessel to require passengers to don life jackets when possible hazardous conditions exist including—

- (1) transiting hazardous bars or inlets;
- (2) during severe weather;
- (3) in the event of flooding, fire, or other events that may possibly call for evacuation; and
- (4) when the vessel is being towed, except a non-self-propelled vessel under normal operating conditions.

(b) **CONTENTS.**—The report under this section shall include—

- (1) a section regarding the enforcement efforts the Coast Guard has undertaken to enforce these regulations;
- (2) a section detailing compliance with these regulations, to include the number of vessels and masters cited for violations of these regulations for fiscal years 1998 through 2003;
- (3) a section detailing the number and types of marine casualties for fiscal years 1998 through 2003 which have been related wholly or in part to violations of these regulations; and
- (4) a section providing recommendation on improving compliance with, and possible modifications to, these regulations.

SEC. 324. ELECTRONIC NAVIGATIONAL CHARTING.

The Commandant of the Coast Guard, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall provide a written report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure no later than 180 days after the date of enactment of this Act with respect to electronic navigational charts. The report shall include—

- (1) the costs for the National Oceanic and Atmospheric Administration to complete the suite of electronic navigational charts;
- (2) the costs and benefits of a United States requirement of electronic navigation systems on vessels; and
- (3) a description of international standards and requirements that already exist or are

being developed for the use of electronic navigation systems.

SEC. 325. MEASURES FOR THE PROTECTION OF NORTH ATLANTIC RIGHT WHALES FROM SHIP STRIKES.

(a) Within 120 days of enactment of this Act, the Secretary shall initiate studies to examine options for minimizing vessel strikes of North Atlantic Right Whales in the access of ports which the Secretary, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, has determined—based on a review of past incidents of vessel strikes as well as available scientific, navigation, and other data—pose a substantial risk of vessel strikes of North Atlantic Right Whales. Such studies shall examine measures identified in consultation with the Administrator, including vessel routing, reporting and/or speed measures, that would minimize vessel strikes of North Atlantic Right Whales.

(b) Within 18 months of enactment of this Act, the Secretary of Homeland Security shall, in consultation with Administrator of the National Oceanic and Atmospheric Administration, provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the studies referred to in paragraph (a), including—

- (1) a discussion of the effectiveness of the measures studied in reducing ship strikes of North Atlantic Right Whales;
- (2) a summary, of available analyses regarding potential costs of such measures including regional economic impacts;
- (3) the extent to which statutory authority currently exists for the Coast Guard to implement these and other similar measures; and
- (4) in consultation with the Administrator and the Secretary of State, a discussion of the national and international legal bases for implementation of such measures.

SEC. 326. FOREIGN VESSEL SECURITY PLANS.

Section 70103 of title 46, United States Code, is amended by adding new paragraphs (c)(8) and (c)(9) to read as follows:

“(8) A foreign vessel destined for, arriving at, or departing from a port or place subject to the jurisdiction of the United States is deemed in compliance with this section if—

“(A) the vessel has in effect a security plan approved pursuant to the International Convention for the Safety of Life at Sea, 1974, (SOLAS) Chapter XI-2 and the International Ship and Port Facility Security Code (ISPS Code); and

“(B) the vessel operates in compliance with its approved plan, SOLAS Chapter XI-2, and the ISPS Code.

“(9) The Secretary shall, consistent with international treaties, conventions, and agreements to which the United States is a party, establish procedures, measures, and standards to assure foreign vessels destined for, arriving at, or departing from a port or place subject to the jurisdiction of the United States comply with vessel security requirements under SOLAS, the ISPS Code, this chapter, and regulations issued under this chapter, including—

“(A) an effective port state control program that identifies foreign vessels for examination based on each vessel's operating history, owner or operator, vessel type, and such other factors as the Secretary determines to be appropriate;

“(B) examination of a vessel and its cargo, passengers, and crew;

“(C) examination of a vessel's security arrangements;

“(D) procedures to ensure shipboard personnel understand their security responsibilities and have the knowledge and ability to

perform their assigned duties under a vessel's approved security plan, SOLAS, and the ISPS Code;

“(E) a detailed examination of a vessel's approved security plan;

“(F) restrictions on a vessel's operations or movements;

“(G) denial of entry into port; and

“(H) such other measures that the Secretary determines are necessary to deter a transportation security incident to the maximum extent practicable and to protect the safety and security of United States ports, persons, vessels, facilities, and other property.”

TITLE IV—MISCELLANEOUS

SEC. 401. CONVEYANCE OF LIGHTHOUSES.

Section 308(c) of the National Historic Lighthouse Preservation Act of 2000 (16 U.S.C. 470w-7(c)) is amended by adding at the end the following:

“(4) **LIGHTHOUSES ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.**—Upon receiving notice of an executed or intended conveyance by sale, gift, or any other manner of a lighthouse conveyed under authority other than this Act, the Secretary shall review the executed or proposed conveyance to ensure that any new owner will comply with any and all conditions of the original conveyance. If the Secretary determines that the new owner has not or is unable to comply with those conditions the Secretary shall immediately invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.”

SEC. 402. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$25,000,000 for each of fiscal years 2004 and 2005. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 403. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) **IN GENERAL.**—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the ‘recipient’), without consideration, if the person complies with the conditions under subsection (c).

(b) **VESSELS DESCRIBED.**—The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

(2) The Coast Guard Cutter PLANETREE, to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.

(3) The Coast Guard Cutter SUNDEW, to be conveyed to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota), located in Duluth, Minnesota.

(c) **CONDITIONS.**—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient—

(1) to agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use

by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) to have funds available that will be committed to operate and maintain the vessel conveyed in good working condition—

(A) in the form of cash, liquid assets, or a written loan commitment; and

(B) in an amount of at least \$700,000; and

(3) to agree to any other conditions the Commandant considers appropriate.

(d) **MAINTENANCE AND DELIVERY OF VESSEL.**—Prior to conveyance of a vessel under this section, the Commandant may, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

(e) **OTHER EXCESS EQUIPMENT.**—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 404. KOSS COVE.

(a) **IN GENERAL.**—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as "Koss Cove", in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINIER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) **COVE DESCRIBED.**—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) $\frac{3}{4}$ mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seward, Alaska.

(c) **REFERENCES.**—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

SEC. 405. DECLARATION OF NON-NAVIGABILITY FOR PORTION OF THE WATEREE RIVER.

For purposes of bridge administration, the portion of the Waterree River, in the State of South Carolina, 100 feet upstream and downstream of the railroad bridge at approximately mile marker 10.0, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 406. CORRECTION OF 2002 COASTWISE TRADE AUTHORIZATION PROVISION.

Section 213(b) of the Maritime Policy Improvement Act of 2002 is amended by striking "transport and launch" and inserting "transport or launch".

SEC. 407. INNOVATIVE CONSTRUCTION ALTERNATIVES.

The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide in-

novative construction alternatives for the Integrated Deepwater System.

SEC. 408. BRIDGE ADMINISTRATION.

Section 325(b) of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Pub. L. 97-369; 96 Stat. 1765) is amended by striking "provides at least thirty feet of vertical clearance Columbia River datum and at least eighty feet of horizontal clearance, as" and inserting "is so".

SEC. 409. NATIONAL COAST GUARD MUSEUM.

(a) **IN GENERAL.**—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 98. National Coast Guard Museum

"(a) **ESTABLISHMENT.**—The Commandant of the Coast Guard may establish a new National Coast Guard Museum on Federal lands administered by the Coast Guard at a location specified by the Commandant.

"(b) **FUNDING.**—The National Coast Guard Museum should be supported with nonappropriated Federal funds or nonfederal funds to the maximum extent practicable and that the priority for appropriated funds should be to preserve and protect historic Coast Guard artifacts and to promote the purposes of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

"(c) **LOCATION.**—The National Coast Guard Museum may be located at, or in close proximity to, the Coast Guard Academy in New London, Connecticut or at a location with a comparable historic connection to the Coast Guard that will similarly enhance the public's knowledge and appreciation of the Coast Guard's maritime history.

"(d) **FUNDING PLAN.**—Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committees on Commerce of the Senate and on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating and maintaining such a museum, including—

"(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

"(2) the extent to which appropriated, nonappropriated, and nonfederal funds would be used for such purposes; and

"(3) a certification by the Inspector General of the Department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic."

(b) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 98. National Coast Guard Museum."

SA 2955. Mr. ALEXANDER (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; as follows:

Amend the title so as to read A Bill To authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, April 8, 2004, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the National Park Service concessions program, including implementation of the National Park Service Concessions Management Improvement Act of 1998.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 30, 2004, at 9:30 a.m., in closed session to receive testimony on the Second Interim Report of the Iraq Survey Group.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 30, 2004, at 2 p.m., to conduct a vote on the nomination of the Honorable Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development, and to conduct a markup of S. 2238, "The Flood Insurance Reform Act of 2004."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Tuesday, March 30, 2004, at 2:30 p.m. on the nominations of Theodore W. Kassinger, to be Deputy Secretary of DOT, Deborah Hersman to be a Member of the NTSB, Thomas Moore to be a Commissioner of the CPSC, Joseph Brennan, to be a Commissioner of the FMC, Paul Anderson to be a Commissioner of the FMC, and Jack McGregor to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, in SR253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on

Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 30, at 10 a.m.

The purpose of the hearing is to receive testimony on the Energy Employees Occupational Illness Compensation Program Act.

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

COMMITTEE ON FINANCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, March 30, 2004, to consider favorably reporting the nomination of Donald Korb, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 30, 2004, at 10 a.m. to hold a hearing on nominations.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, March 30, 2004, at 9 a.m., in room 485 of the Russell Senate Office building to conduct an oversight hearing on the Inter-Tribal Timber Council's Indian Forest Management Assessment Team Report. Immediately following the close of that hearing, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet at 10 a.m. to conduct a hearing on S. 868, a bill to amend the Coos, Lower Umpqua, and Siuslaw Restoration Amendments Act of 2003.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 30, 2004, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON AIRLAND

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 30, 2004, at 2 p.m., in open session to receive testimony on Army aviation programs, in review of the Defense authorization request for fiscal year 2005 and the future years Defense program.

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

SUBCOMMITTEE ON AVIATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Aviation Sub-

committee on Commerce, Science and Transportation be authorized to meet on Tuesday, March 30, 2004, at 9:30 a.m. for a closed hearing on Aviation Security, in SR-253.

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

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. ENZI. 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, March 30, 2004, at 2:30 p.m., for a hearing entitled, "The Federal Government's Role In Empowering Americans To Make Informed Financial Decisions."

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 30, 2004, at 2:30 p.m.

The purpose of this hearing is to conduct oversight on National Heritage Areas, including findings and recommendations of the General Accounting Office, the definition of a National Heritage Area, the definition of National Significance as it relates to national heritage areas, recommendations for establishing national heritage areas as units of the national park system, recommendations for prioritizing proposed studies and designations, and options for developing a national heritage area program within the National Park Service.

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

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2443 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has favorably considered the Coast Guard Authorization Act of 2003, and will pass by unanimous consent the Senate manager's amendment to H.R. 2443. We look forward to working with the House to quickly reach agreement on a final bill for passage in both houses.

Senator HOLLINGS and I have agreed to work with the House through a bal-

anced, bipartisan conference committee. The Senate members would include five majority and four minority members of the Commerce, Science, and Transportation Committee. We plan to work together in a bipartisan manner to support the provisions of the Senate bill, while working with the House conference members to reach a final bill acceptable to all conferees. We will also include one majority and one minority member of the Environment and Public Works Committee to work with us on provisions in the bill that amend the Oil Pollution Act of 1990.

Mr. HOLLINGS. Mr. President, I am likewise pleased that the Senate will pass this important authorization bill for the Coast Guard. I look forward to working with Senator MCCAIN and the other members of the conference committee to reach a final consensus bill that we can adopt in both houses.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read for a third time and passed, the title amendment be agreed to, and the motion to reconsider be laid upon the table en bloc.

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

The amendment (No. 2954) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 2955) was agreed to, as follows:

Amend the title so as to read A Bill To authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

The bill (H.R. 2443) was read the third time and passed.

Mr. ALEXANDER. I further ask that the Senate insist upon its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees at a ratio of 5-4 on the Commerce Committee and 1-1 on the Committee on Environment and Public Works.

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

The Presiding officer (Mr. TALENT) APPOINTED MR. MCCAIN, Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. HOLLINGS, Mr. INOUE, Mr. BREAU, and Mr. WYDEN; from the Committee on Environment and Public Works, Mr. INHOFE and Mr. JEFFORDS, conferees on the part of the Senate.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 108-199, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Eric G. Postel of Wisconsin.

The Chair, on behalf of the majority leader, pursuant to Public Law 108-199,

Title VI, Section 637, appoints the following individual to serve as member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Michael A. Ledeen of Maryland.

The Chair, on behalf of the majority leader, pursuant to Public Law 108-199, Section 104(c)(1)(A), appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program: William E. Troutt of Tennessee.

MEASURE PLACED ON THE
CALENDAR—S. 2250

Mr. ALEXANDER. Mr. President, I understand there is a bill at the desk that is due for second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2250) to extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes.

Mr. ALEXANDER. I object to further proceedings on the bill at this time on behalf of the leader in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar pursuant to rule XIV.

ORDERS FOR WEDNESDAY, MARCH
31, 2004

Mr. ALEXANDER. On behalf of the leader, I ask unanimous consent that when the Senate completes its business

today, it adjourn until 9:30 a.m. on Wednesday, March 31. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10 a.m. with the first half of that time under the control of the majority leader or his designee and the final time under the control of the Democratic leader or his designee.

I further ask consent that at 10 a.m. tomorrow morning, the Chair lay before the Senate a message from the House to accompany S. Con. Res. 95, the budget resolution. I further ask consent that Senator CONRAD be in control of 60 minutes, and Chairman NICKLES be in control of 30 minutes of debate only; provided further that following the use or yielding back of time, the Senate disagree to the amendment of the House, agree to a request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4-3, with no intervening objection or debate.

Finally I ask consent that following the appointment of conferees, the Senate resume consideration of H.R. 4.

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

PROGRAM

Mr. ALEXANDER. Mr. President, tomorrow, following morning business, the leader has asked me to say that the Senate will conduct the 90 minutes of debate prior to appointing conferees

with respect to the budget resolution. Following that action, the Senate will resume consideration of the welfare reauthorization bill.

Moments ago, the majority leader filed cloture on the committee substitute to that bill. That cloture vote will occur on Thursday of this week. We hope cloture would be invoked to allow us to finish the welfare legislation.

It is also the majority leader's hope that we will be able to move forward with germane amendments to the welfare reauthorization bill and make progress on the bill during tomorrow's session. Therefore, rollcall votes are possible during tomorrow's session. Senators will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. ALEXANDER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, March 31, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate March 30, 2004:

DEPARTMENT OF STATE

CHRISTOPHER R. HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

EXTENSIONS OF REMARKS

UNCLE ELI'S QUILTING PARTY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 2004

Mr. COBLE. Mr. Speaker, on Thursday, April 1, 2004, several hundred people will gather at a location in my congressional district for the 73rd year in a row to commemorate what some fear is becoming a lost art—quilting. No one knows what the future holds for this wonderful tradition, but thanks to a group of dedicated volunteers, there will be a permanent reminder to all who travel to our area.

On April 1, an historic highway marker will be unveiled commemorating “Uncle Eli’s Quilting Party.” Named after Eli Whitney—the father of the cotton gin—“Uncle Eli’s Quilting Party” has been a tradition in Alamance County, North Carolina, since 1931. The unveiling will take place in front of the community center that bears Eli Whitney’s name on the “Football Road” (SR 1005) in southern Alamance County. Community volunteers wanted to mark the historic and cultural significance of “Uncle Eli’s Quilting Party” with a roadside historical marker. The state of North Carolina agreed that it met the standards needed for the sign’s erection, but it did not have any available funding. So, like the determined quilters the sign commemorates, the group pitched in, raised the needed funds themselves, and convinced the state to manufacture the sign. On April 1, all will gather with pride when the sign is unveiled.

To fully appreciate the wonderful traditions kept alive by the quilters, allow me to quote Erma Kirkpatrick from *Quilting in America, Beyond the Myths: Selected Writings from the American Quilt Study Group* (edited by Laurel Horton):

“The day begins early. By 8:00 a.m., the first cars have parked outside the big old brick gymnasium, which is the Eli Whitney Community Center. Nannie McBane, quilter, quilting instructor, and coordinator of the quilting party unlocks the door. Inside, the gym seems huge, cavernous and bare. One or two quilts have been ‘put in’ the previous day so the quilters can get an early start. Otherwise the gym is empty, with bleachers folded against the wall and tables stretched out along one end ready to receive food. Gradually the room comes to life. A table is placed by the door so that everyone can sign the register and make a name tag to wear. Early arrivals unfold chairs brought from the storage room and begin to wipe off the bleachers. As women bring in quilted items for display, willing hands help drape the quilts over the now-dusted bleachers or hang them on clothes lines which are stretched around the walls. Suddenly there is a quilt show! . . . The day and the quilting progress. Around noon the covered dishes are uncovered, the line forms, a blessing is asked, and a serious attack is made on the heavily loaded tables . . . The quilters take pride in their cooking as well as their quilting.”

Erma Kirkpatrick also writes that in the last few years, the focus of “Uncle Eli’s Quilting Party” has changed: “Today the quilting party is a social gathering for which the Eli Whitney community is well known. People attend from as far away as 50 miles. There is less dedication to putting in and completing a quilt. In fact, seldom is a single quilt completed by the end of the day. The number of quilts in frames has gone down and the number of visitors has increased. It has become a spectator sport.”

No matter what the future holds, “Uncle Eli’s Quilting Party” will continue to mark the start of spring in southern Alamance County. And thanks to a group of dedicated, civic-minded quilters and their fans, a highway marker will let the world know that there is a quilting party every year in North Carolina that would make Uncle Eli proud.

HONORING THE STATE CHAMPION CLARKRANGE HIGH SCHOOL LADY BUFFALOES

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to recognize the Clarkrange High School Lady Buffaloes’ for winning this year’s Tennessee Class A basketball championship. This is the Lady Buffaloes seventh state title. In winning their seventh title they knocked off the defending state champions.

When people talk about this team you hear words like grit, determination, and cohesion. All three are part of the formula that makes a winner. Clarkrange residents can be proud of the accomplishments of the Lady Buffaloes, who last made it to the state championship in 1995.

The following are the members of the 2003–2004 state champion Lady Buffaloes: Coach Lamar Rogers, Jordan Ramsey, Miranda Cravens, Jaclyn Upchurch, Kari Jones, Michelle Snow, Amanda Beaty, Lindsay Parris, Diane Beaty, Kayla Crabtree, Ashley Jones, Jessica Green, Amy Miller, Brianna Pinson, and Nakeisha Cottle. As is the case in most team sports, cheerleaders are at the forefront of pumping passion and spirit into the crowd. Those assisting the Lady Buffaloes were: Coach Tinker LaRue, Heather Smith, Cassie Hoover, Nekedra Terry, Lauren Moody, Traci Ipock, Alicea Barnett, and Shelly Pack.

Mr. Speaker, I congratulate the Lady Buffaloes and would like to express that the United States House of Representatives recognizes their accomplishment.

PAYING TRIBUTE TO PETE JONES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Pete Jones of Buffalo, Wyoming, who passed away recently at age sixty-nine. I personally knew Pete well, and he was a devoted family man, a dear friend, and a beloved member of his Buffalo, Wyoming and Glenwood Springs, Colorado communities. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community and state.

Pete was a man of the highest integrity and ethics. During his years spent in Glenwood Springs, he was known in the business community for his fair dealing and problem-solving skills. In his spare time, he immensely enjoyed the rodeo, competing in rough stock events, and also trained and worked as a smokejumper. However, he found the most joy in life spending time with his wife Doris, his children, grandchildren, and the families of his brothers and sisters.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to Pete Jones. I am proud to have known such a great man who enriched the lives of his family and community. My heart goes out to his family during this difficult time of bereavement.

HONORING SHERIDAN AND MILDRED OSTRANDER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Sheridan and Mildred Ostrander of Chicago on their recent Golden Anniversary celebrating 50 years of marriage.

Both Sheridan and Millie have been active members of the community and continue to support the many causes important to them.

Sheridan, now retired, has owned several businesses and worked for CNA Insurance for a number of years.

Millie has been a devoted wife, mother, and homemaker and remains active in Our Lutheran Church and Luther North High School Women’s Organizations.

Together Sheridan and Millie have lived in their present home for 48 years. They have two children, Janice Fleck and James Ostrander.

The Fleck’s, Janice and Michael, are the proud parents of two children, Sarah, who attends Oakton Community College; and Jessica, who attends high school in Niles, Illinois. James and Christine Ostrander have two children, Megan and Kevin, who both attend grammar school in Schaumburg, Illinois.

• 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.

Mr. Speaker, I join with the Fifth District in congratulating Sheridan and Mildred Ostrander on their fiftieth wedding anniversary, and wish them and their extended family all the happiness in the future.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. SHAYS. Mr. Speaker, on March 29, I was in New York City for meetings to discuss a number of homeland security issues with various officials and, therefore, missed two recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted, "yes" on recorded vote No. 94 and "yes" on recorded vote 95.

TANF REFORM

HON. DANNY K. DAVIS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. DAVIS of Illinois. Mr. Speaker, we have failed to make a real TANF reform that helps the working poor low-income single parents, children of poverty stricken families, and especially the men and women who have a drug conviction.

The TANF program contains several provisions that could decrease funding for individuals who received a drug felony conviction, which includes use, possession, or distribution. There is a lifetime ban on TANF and food stamps for individuals who receive a drug felony conviction after August 22, 1996, unless the State enacts legislation to disregard the ban completely or narrow it. Only 7 States and the District of Columbia have completely opted out of the ban with another 18 states allowing benefits to be paid to individuals with drug felony conviction in certain circumstances. For instance, in only three states the ban does not apply to those who finish their sentence and comply with their parole or probation, six states do not apply the ban to those in treatment or who have completed treatment. However, 41% of States ban TANF and food stamps based on the conviction alone. A report in 2002 estimated that the ban affected 92,000 women in 23 States studied.

Mr. Speaker, this is not a State issue. This is our Nation's issue. If we do not help all of those in need, if we stop giving assistance to some of our most needy, those with an addiction or who have been falsely accused of this conviction, our Nation will end up paying for it with higher rates of crime, higher recidivism rate, and a number of individuals remaining drug-users. The National Treatment Improvement Evaluation Study found that women treated in federally funded treatment programs increased their employment and decreased their use of welfare. The number who reported being employed in the year after treatment increased by 25 percent. Incomes also increased by 6 percent while the number receiving public assistance decreased by 8 percent.

This clearly demonstrates that punishment and banning assistance is not the answer. Instead, federal assistance will assist to produce working, tax-paying citizens.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. DeMINT. Mr. Speaker, I was absent during rollcall votes 94 and 95. Had I been present, I would have voted "yea" on each of those rollcall votes.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 93, HR. 3905—Community Recognition Act of 2003, I was unavoidably detained. Had I been present, I would have voted "yes."

PAYING TRIBUTE TO SGT. ROBERT JEPSEN

HON. SCOTT McINNIS

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to an outstanding patriot from my home state of Colorado. Sergeant Robert Jepsen recently returned from serving our nation in Operation Iraqi Freedom. While there, Robert was injured in a terrorist bombing attack near Baghdad. Sadly, the attack also claimed the lives of three of Robert's fellow 82nd Airborne Paratroopers. While we mourn the loss of Robert's comrades, I think it is appropriate to call the attention of this body of Congress, and our nation, to the sacrifices that Robert and his fellow soldiers have made on behalf of a grateful nation.

After graduating from high school, Robert answered his country's call to duty when he entered the United States Army. From the outset, it was clear that Robert had the qualities of a tremendous soldier. His bravery, intelligence and outstanding leadership did not go unnoticed, and Robert earned his Ranger Tab with the 101st Airborne Division, (Air Assault).

Throughout his recovery, Robert has drawn on the qualities that made him a great soldier. He continues to maintain a positive attitude and high spirits while recuperating at Walter Reed Army Medical Center, and plans to return to school to realize his dream of becoming a pediatrician.

Mr. Speaker, it is an honor to rise and pay tribute to Sergeant Robert Jepsen. Robert's personal sacrifice and unwavering heroism is the true embodiment of patriotism. On behalf of my fellow Coloradans, and Americans, I wish to thank Robert for his bravery and noble service.

TWO OTHER WAYS TO HELP AND HONOR OUR TROOPS

HON. RAHM EMANUEL

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. EMANUEL. Mr. Speaker, I am proud to rise in support of two important bills enacted by the House earlier today that will provide much-needed and deserved assistance to the families of U.S. troops, and provide special recognition for the distinguished service of our military personnel in the global war against terrorism. This legislation would reimburse U.S. service personnel for their transportation costs and create two new campaign medals designating military service in Iraq and Afghanistan.

The first bill, S. 2057, builds on the much-needed and highly successful Operation Hero Miles, which allows Americans to donate their unused frequent flier mileage, by also reimbursing troops for travel expenses to their final destinations. Under the U.S. Armed Forces Central Command Rest and Recuperation Leave Program, those troops who traveled before Dec. 19, 2003 are not eligible to be reimbursed for commercial airfare beyond U.S. points of entry—Atlanta, Baltimore, Dallas-Fort Worth, or Los Angeles. Also, there is still a need for travel assistance for soldiers on emergency leave, and for family members of soldiers being treated at U.S. military hospitals. This bill would allow troops to seek reimbursement retroactive to Sept. 25, 2003 which will help many of their families save hundreds of dollars each.

I am also proud to cosponsor and vote for a second bill passed by the House today, H.R. 3104, which would create separate campaign medals specifically designed to recognize service by members of the Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom. These decorations will be worn proudly by our troops and provide important symbolic recognition by distinguishing their service in the wars in Afghanistan and Iraq, and emphasizing their specific and unique significance in our mission to win the global war against terrorism.

Mr. Speaker, I salute the troops for their continuing valor, patriotism and commitment to our Nation. We thank them for their heroism and sacrifices, and we support these bills to honor their service and to provide much-needed relief for their families. Now that a year has passed since U.S. troops were deployed to Iraq, we wish them all a safe return and hope this legislation makes their trip home a little easier.

INTRODUCTION OF THE CLIMATE STEWARDSHIP ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. SHAYS. Mr. Speaker, there is no doubt in my mind that global warming is happening and that man is contributing to it. Now, it is our responsibility to work to mitigate the impacts of potentially catastrophic climate change.

It is clear we must begin taking steps to reduce U.S. emissions and the Climate Stewardship Act yields a scientifically sound, economically feasible and environmentally progressive formula for doing so.

By limiting the combined global warming emissions of major polluters, creating a trading market for emissions allowances and reductions through a National Greenhouse Gas Database, and funding transition assistance for workers, industries and consumers, this bill takes a responsible first step toward reducing greenhouse gas emissions in a way that is timely, meaningful and cost-effective.

The Climate Stewardship Act targets emissions from the electricity generation, transportation, industrial, and commercial economic sectors, which together account for 85 percent of overall U.S. greenhouse gas emissions. (Starting in 2010, the bill would cap U.S. aggregate emissions for the covered sectors at the 2000 level. The bill's emissions limits would not apply to the agricultural and the residential sectors.)

It applies a successful, market-based approach to reducing emissions, and the result will be cleaner air and a healthier environment.

The Climate Stewardship Act charts a new, more responsible course on climate policy and reflects a cognizance of the very real threat global warming poses to our Nation and the rest of the world.

We simply will not have a world to live in if we continue our neglectful ways.

CHILD NUTRITION IMPROVEMENT AND INTEGRITY ACT

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I supported H.R. 3873, the Child Nutrition Improvement and Integrity Act last week on the House floor and again commend Chairman BOEHNER, Ranking Member MILLER, Subcommittee Chairman CASTLE and Ranking Member WOOLSEY for their hard work and collaboration on a bipartisan bill which continues to feed our Nation's children.

However, due to our Nation's budget being in the red, it is bothersome that we can not feed more of our Nation's children whose parents are hard working Americans. It is bothersome that there are children whose families can not even afford the reduced price meals but are simply not poor enough to receive free lunch. With over 500 school boards and many state boards of education urging Congress to eliminate the reduced price charge—Congress has replied with “we just can not afford to help your children eat”.

It is also bothersome that some in Congress feel that it is inappropriate to recommend what foods are healthy and should be given to students and what unhealthy foods should be kept off the menu. The argument is why would schools attempt to provide healthy foods when students can simply get the unhealthy foods outside of school. Should our schools begin to give up on a student in the 9th or 10th grade because neither parent graduated high school? Should our schools not teach a stu-

dent to read because neither parent is literate nor does the home provides newspapers or books to read? Should our schools not teach algebra, geometry, or calculus because the parent can only do simply math with a calculator?

Our schools have been the stepping stone to a better life for many individuals than the life of which their parents had academically, socially, emotionally and there is no reason why nutritionally can not be added to the list.

Mr. Speaker, I supported this reauthorization last week—but only wish we could have done more to prevent more children from going hungry.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. DEMINT. Mr. Speaker, I was absent during rollcall vote 88. Had I been present, I would have voted “nay” on the vote.

PAYING TRIBUTE TO JOHN RINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. McINNIS. Mr. Speaker, it is an honor to pay tribute today to John Rino for his admirable service and dedication to his Trinidad, Colorado community. His volunteer efforts for Trinidad seniors were recently recognized at the Harry R. Sayre Senior Center where a new wing was dedicated in his name. I would like to congratulate John on receiving this honor and thank him for his unwavering commitment to the City of Trinidad and the State of Colorado.

An active member in city politics, John served on the Trinidad city council for sixteen years, and served for two terms as mayor. During his years in public service, John was instrumental in making significant improvements to the city. He organized the county ambulance district, saw that neglected streets were paved, saw that wooden water transmission lines were replaced with metal lines, and extended water lines to areas of the city that were not previously provided with city water. For the last sixteen years, John has volunteered his time with the senior citizen center, organizing and cooking spaghetti dinner fund-raisers that usually have 150 or more people in attendance.

Mr. Speaker, it is quite clear that John Rino is a person who possesses dedication and commitment to his pursuit of public service, and it is my distinct pleasure to honor John before this body of Congress and this nation today. Naming the new wing after John is the center's way of saying thanks for his selfless efforts and leadership, and is a well-deserved testament to his ongoing efforts to better his community. I wish John all the best in his future endeavors.

LETTER OF SUPPORT FROM TREA SENIOR CITIZENS LEAGUE

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. TAYLOR of Mississippi. Mr. Speaker, in January I introduced H.J. Res. 88, a bill proposing a Constitutional amendment to make the Social Security trust funds, the Medicare trust funds, the military retirement trust fund, and the civil service retirement trust fund off-budget so that the annual budget deficit will reflect the true costs of the obligations that accrue each year.

My bill has been endorsed by the TREA Senior Citizens League, an affiliate of The Retired Enlisted Association. I would like to insert the letter of support from George A. Smith, Chairman of TREA Senior Citizens League into the RECORD:

JANUARY 15, 2004.

Hon. GENE TAYLOR
*Rayburn House Office Building,
Washington, DC.*

DEAR CONGRESSMAN TAYLOR: TSCL, a non-partisan advocacy organization consisting of some 1.2 million members and supporters nationwide, understands that you intend to reintroduce a constitutional amendment resolution that would lock Social Security, Medicare and military retirement trust funds off budget. On behalf of our members and supporters, I want to convey our strong support for your resolution.

Contrary to popular belief, Social Security and other trust fund monies are not kept separate from other government funds. The government uses those monies when it needs to, and simply writes an IOU to the trust fund. I believe the American people would be outraged if they truly understood this was happening.

Also, because of the way the government counts the surpluses that we have in the various trust funds, the deficit appears to be less than it really is. Once again, I believe if the American people would see the true size of the deficit, there would be an end to business as usual in Washington. As Comptroller General David Walker said in a September 2003 speech, “while we are starting off in a financial hole, we don't really have a very good picture of how deep it is” because the Congressional Budget Office and the Office of Management and Budget's current measurement and scorekeeping approaches relay an incomplete and misleading picture of the government's financial condition.” [Roll Call, September 18, 2003]

TSCL also applauds the approach you are taking by introducing a constitutional amendment resolution. If legislation only were to be enacted, we believe that Congress and the White House would ignore or work around the law. This is why it is imperative that a constitutional amendment be ratified.

TSCL's parent organization is The Retired Enlisted Association. As such, we are especially grateful for the protections you seek not only for Social Security and Medicare trust funds, but also for the military retirement and disability trust fund.

Please be assured, Rep. Taylor, that we will be doing whatever we can do to move this resolution forward. Again, thank you for your efforts. We look forward to working with you on this critical matter.

Warm Regards,

GEORGE A. SMITH,
Chairman.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2004

Mr. KIRK. Mr. Speaker, I rise today to recognize 183 years of the Greek people's freedom and independence, and their noble revolution from the Ottoman Empire in March of 1821. As Greeks and Greek-Americans celebrate Greek Independence Day, I join them and my colleagues in recognizing this great nation.

Nearly 400 years ago, the Greek people embarked on a powerful revolution against the Ottoman oppressors. The ancient Greeks forged a mighty wave of democracy and freedom following the fall of Constantinople, culminating with Bishop Germanos of Patras raising the Greek flag at Agia Lavras.

Today, 183 years after Greece's successful and bold revolution, she continues to prove herself a loyal ally of the United States, while standing firm in her advocacy of democracy and freedom. Greece is one of only three nations in the world beyond those of the former British Empire to be allied with the United States in every major conflict of the 20th Century. The United States is fortunate to have such a longstanding and reliable ally.

As we continue to eradicate the global threat of terror, Greece again stands firm with the United States. Our efforts in the war against terror would not be as successful without the continued assistance from our allies in Greece.

I join my colleagues in saluting and thanking the Greek people on this 183rd year of freedom and independence. To Greece, our free and democratic ally: "Cronia polla hellas".

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. PORTMAN. Mr. Speaker, on March 29, 2004, I was in my congressional district due to a death in my family. I missed the recorded votes on rollcall No. 94, to suspend the rules and pass H.R. 2584, the Utrok Atoll Conveyance; rollcall No. 95, to suspend the rules and pass H.R. 3723, the Vaughn Gross Post Office Building. Had I been present, I would have voted "yea" on rollcall No. 94 and "yea" on rollcall No. 95.

RECOGNIZING THE 75TH ANNIVERSARY OF LANSING CIVIC PLAYERS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the anniversary of the Lansing Civic Players, a community theater in Lansing, Michigan, as 2004 marks their 75th year of continuous operation.

After three-quarters of a century enduring trials and tribulations, the Lansing Civic Players still continues to achieve the goal they set out for: To provide the people in the Lansing area with good community theatre.

In the fall of 1929, two amateur theater productions were established in the Lansing area: The Players Guild, started by Elva Schell and the Civic Theatre, created by August Fischer. In October 1929, the two groups decided to join resources, and the Lansing Civic Players Guild was born.

The first years were a struggle for the group. The members of the Lansing Civic Players Guild performed all necessary functions. They were the actors, the ticket salesmen, and the set builders. They did it all. They had very little money, but they had a determination to bring quality theater to the Lansing area. The group began work on their first play, "The Trial of Mary Duggan." It was at this time the royalties for the show were pulled, and the Lansing Civic Players Guild was left without a play. But as they say in show business, the show must go on. The group rushed to find a new production, and on May 24, 1930, they performed "Captain AppleJack." This performance had over 1,000 people in attendance, including the Governor of the State of Michigan, and is still a record setting attendance to this day for the theater.

Today, the group operates their business, the building, rehearsals, and costume shop out of a fire hall which they acquired in June, 1977. The Lansing Civic Players have performed at three area high schools since inception, and currently perform at the Hannah Community Center. They have received awards for longevity from the Community Theater Association of Michigan as well as the Lansing City Council.

Mr. Speaker, I ask my colleagues to join me in recognizing the 75th anniversary of the Lansing Civic Players and the impact they have made on mid-Michigan.

COMMENDING SAS INSTITUTE OF CARY, NC, FOR THEIR CONTRIBUTIONS TO THE WORLD OF TECHNOLOGY

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. HAYES. Mr. Speaker, I would like to recognize a milestone for SAS Institute, a home-grown North Carolina software company with roots in our State's fine university system. Since 1976, SAS has been a leading employer, both in our state and around the world, as exhibited by its ranking in Fortune magazine's annual "100 Best Companies to Work For" list year after year. And SAS' \$1.34 billion in revenues make it the world's largest privately held software company and the leading business intelligence software company. Today, SAS announces the release of SAS®9, its most advanced business intelligence software ever. SAS®9 helps businesses and organizations worldwide turn raw data into better, faster and more accurate business decisions. Congratulations to SAS, a great North Carolina company that serves the world.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. GALLEGLY. Mr. Speaker, on Monday, March 29, 2004, I was unable to vote on H.R. 2584, to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship (rollcall 94) and H.R. 3723, the Vaughn Gross Post Office Building Designation Act (rollcall 95). Had I been present, I would have voted "yes" on both measures.

PERSONAL EXPLANATION

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. TAYLOR of Mississippi. Mr. Speaker, yesterday, on March 29, 2004, I was unavoidably detained because my departure flight from my congressional district was delayed as a result of mechanical problems. This situation resulted in my having missed rollcall votes 94 and 95. Had I been present, I would have voted "yea" on rollcall vote No. 94 and "yea" on rollcall vote No. 95.

TRIBUTE TO RAY MEYER

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Ray Meyer for his selfless dedication to his Delta, Colorado community, and congratulate him on being recognized by the Delta Chamber of Commerce as their Citizen of the Year. A lifelong resident of Delta and a member of the Delta City Council, Ray has involved himself with numerous civic organizations. This award is a well-deserved testament to his ongoing efforts to better his community.

Born in Delta and raised in his father's grocery store, Ray has always been an active member in the community. The time Ray spent away from Delta was just as active, attending college at the University of Denver and serving our country in the Navy during World War II. Once he came home from defending our country in the Asian-Pacific Theatre, Ray joined his father's grocery business. In 1958, he became manager of Delta Savings and Loan, and served as CEO and chairman until his retirement in 1985.

Ray has served his Delta community as a member of the city council for 14 years, sitting as chairman and on numerous committees, including region 10. He is also an active member at St. Michael's Catholic Church, a member and past president of the Lions Club, and a former president of the Rotary Club and Delta chamber. He serves on the library board and the public arts committee, and is a member of the Community Concert Association.

Mr. Speaker, it is my privilege to recognize Ray Meyer before this body of Congress and

this nation today for his commitment to his Delta, Colorado community. He has done much for the city of Delta, and I congratulate him on receiving the Delta Chamber Citizen of the Year award. I would also like to congratulate Ray and his wife Jo as they recently celebrated their sixty-fifth wedding anniversary. I wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. BARRETT of South Carolina. Mr. Speaker, due to unforeseen circumstances, I unfortunately missed recorded votes on the House floor on Monday March 29, 2004.

I ask that the RECORD reflect that had I not been unavoidably detained, I would have voted "yes" on rollcall vote No., 94—Motion to suspend the rules and agree to the Senate amendments to H.R. 2584; and "yes" on rollcall vote No. 95—Motion to Suspend the Rules and Pass H.R. 3723.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mrs. MALONEY. Mr. Speaker, on March 29, 2004, I missed rollcall votes No. 94 and 95.

Had I been present, I would have voted "yea" on rollcall vote No. 94 and 95.

COMMENDING PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA AND SAN LUIS OBISPO COUNTIES, INC. ON THEIR 40TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mrs. CAPPS. Mr. Speaker, today I rise to commend Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties, Inc. on their 40th anniversary. Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties, Inc. promotes family planning and healthy, responsible reproductive and sexual behavior through the provision of high-quality, comprehensive educational, counseling, medical and referral services.

Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties, Inc. promotes public understanding, acceptance and support for reproductive choice and family planning services. They provide these important services to everyone who needs them, regardless of their ability to pay.

Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties, Inc. promotes public understanding of global problems that stem from population pressures and encourages support of programs working toward solutions to these problems. More than 52,000 reproductive health care visits are provided

annually to more than 20,000 low-income women, men and teens. Planned Parenthood should be commended for their outreach to underserved populations and for their provision of care in an unbiased and accepting environment.

The advocacy efforts on behalf of clients that Planned Parenthood provides, ensures that women and families continue to have access to the full array of reproductive health care services. I celebrate Planned Parenthood's forty years of dedicated service to this community.

Professional and peer educators provide sexuality education to promote healthy sexual attitudes and responsible sexual behavior to more than 66,000 teens, young adults and parents annually. As a nurse I understand firsthand the importance of proper health education. I commend Planned Parenthood for providing such a critical service.

In closing, I want to affirm my support for Planned Parenthood, as we join in commemorating the 40th Anniversary of Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties, Inc. in order to focus public attention on the importance of promoting family planning and responsible choices so that each person may make an educated choice about the future.

HONORING LAURIE MARRS UPON HER RETIREMENT

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. MCCOTTER. Mr. Speaker, I rise today in honor of Laurie Marrs upon her retirement after 20 years of service as Executive Director of the Northville Chamber of Commerce.

Due to her leadership in the business community, the Northville Chamber of Commerce has become one of the premier business associations in the State of Michigan. From 1985 to today, Laurie Marrs has increased membership from 100 to 525 members, founded and served as chairperson for the Northville Victorian Festival, increased the number of Farmer's Market vendors from 6 to 100, instituted the annual State of the Community luncheon and founded the Northville Business Showcase.

Her husband, Terry, and daughters, Kelly and Andrea, should be extremely proud of the undeniable mark she has left on the community. We at home will sorely miss and always benefit from her dedication and leadership.

Mr. Speaker, I extend my sincere appreciation to Ms. Laurie Marrs, upon her retirement after 20 years as Executive Director of the Northville Chamber of Commerce, for her fine service to the community.

TRIBUTE TO LON ERWIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lon Erwin for his remarkable record of service to

the community of Durango, Colorado. I would also like to congratulate him on receiving the 2004 Barbara Conrad Award from the Durango Chamber of Commerce which was presented by his wife, Sidny Zink, a Durango City Councilor. This award, honors an individual who is associated with the Leadership La Plata program and is dedicated to building a stronger community by bringing people together.

Since his graduation from the Leadership La Plata program in 1990, Lon has been active in numerous initiatives and organizations. He serves as president of the local chapter of Civitan International, serves as board president of the Southwest Colorado chapter of the Red Cross, and is the executive director of the Community Foundation Serving Southwest Colorado. Erwin is also the volunteer coordinator for Durango Food Share, which distributes food to those in need in Durango, Cortez, Pagosa Springs, and Aztec, Colorado. Not only is he willing to give his time to worthy causes, but he had the foresight to establish leadership classes for high school students in Durango, Cortez, Bayfield, and Ignacio, ensuring that the next generation has the tools to lead and strengthen the community.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Lon Erwin before this body of Congress and this nation. His efforts to strengthen his community are truly remarkable, and his receiving the 2004 Barbara Conrad Award is a well-deserved testament to his tireless efforts. I sincerely thank him for his service and wish him the best in his future efforts.

SAVE THE SUMMERS ACT OF 2004

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. YOUNG of Alaska. Mr. Speaker, yesterday I introduced the Save the Summers Act of 2004, which will temporarily increase the cap on the number of skilled overseas workers allowed into the United States. For the first time and without advance warning, the Department of Homeland Security announced that the cap of 66,000 H-2B visas had been reached just six months into the current year—leaving summer employers stranded. This one-year emergency fix will increase the number of H-2B visas by 40,000 for fiscal year 2004 only. This bill will also require that the Department of Homeland Security provide Congress with quarterly reports on the number of H-2B visas issued and an annual report providing a statistical analysis of the program.

The H-2B visa program allows foreign workers to come to the U.S. for short periods of time (up to 10 months) to fill seasonal or temporary jobs. The fishing industry in Alaska, tourist and resort industry along much of the East Coast, the Upper Midwest, and the Rockies, swimming pool management companies across America, catfish, timber and sugar industries in Louisiana, crab processors in North Carolina, and the shrimp industry in Texas are just a few that depend on the H2-B program to bring in needed workers.

Fishing in Alaska supports nearly 20,000 jobs, and is estimated to be a billion dollar-a-year industry with nearly 700 million dollars-a-

year in exports. The processors and vessel owners rely on these temporary workers who are Japanese technicians specifically trained to the standards required for Alaska Ikuro products to be sold in the Japanese market. Their skills are not otherwise available in the Alaska or U.S. labor pool and they are not taking work from U.S. workers. My state relies on these workers and I believe the H-2B visa program is vital to the survival and economic growth of the fishing industry in Alaska. The potential for lost revenue in Alaska is extremely high if the industry does not have these skilled technicians to aid with the processing.

This is a serious matter that requires immediate legislative action. I ask my colleagues in the House of Representatives for their support and urge them to swiftly pass this emergency legislation, which directly affects the economy in many of our districts.

JOB LOSSES IN THE U.S. TIED TO HUMAN RIGHTS ABUSES IN CHINA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I'd like to call my colleagues' attention to an important development in our country's approach to trade. For years, businesses have recognized that markets only work when the rules are applied fairly to everyone. Corporations have pushed our government to enforce international trade law governing intellectual property, state subsidies, and pricing, because violations of these international rules hurt American businesses and American workers.

Now, for the first time, workers themselves have filed a petition, arguing that systematic abuse of workers' rights in China have displaced hundreds of thousands of American jobs. This historic petition filed by the AFL-CIO describes how the Chinese labor system artificially lowers wages and brutally represses its workers, and therefore constitutes an unfair trade practice under Section 301(d) of the Trade Act because it "burdens or restricts U.S. commerce."

I commend to my colleagues the following opinion piece from Harold Meyerson, who notes correctly that this petition could result in our trade law finally being applied to the benefit of workers as well as shareholders. In addition, the unabashedly free-trade editorial page of the Washington Post wrote that the "administration should agree to consider [the AFL-CIO's] petition." Simply put: it is not protectionist to argue that free markets and a free economy cannot be based on human-rights abuses.

For too long, American trade policy has failed to promote even minimum labor standards. The International Labor Organization's core labor standards simply articulate basic political freedoms, such as the freedom to associate, the abolition of forced labor, and the elimination of the worst forms of child labor. Unfortunately, the Bush administration has failed to include even these internationally-recognized standards as a framework for trade negotiations. Yet the ILO's report on Central America confirms that none of the CAFTA

countries is in compliance with basic standards of health and safety or freedom of association.

If free trade is going to improve the quality of life for Americans without putting downward pressure on labor standards internationally, we must ensure that every country is playing by the same rules. I urge my colleagues to read the attached articles.

[From the Washington Post, Mar. 17, 2004]

CHINA'S WORKERS—AND OURS

(By Harold Meyerson)

Until 10 a.m. yesterday, U.S. trade law belonged to big business. Corporations routinely petitioned our government to threaten other countries with sanctions if their products were being knocked off or undersold by foreign manufacturers with state subsidies, and our government frequently complied. The solicitude the Bush White House and its predecessors showed for shareholders, however, was nowhere in evidence for workers. Profits depressed by unfair trade practices were an official object of concern; wages and employment levels depressed by unfair trade practices were none of the government's business.

This double standard was the heart of modern trade policy. Yesterday morning, that began to change. For the first time ever, the AFL-CIO filed the kind of unfair-trade petition that corporations commonly file, alleging that China's repression of workers' rights has displaced at minimum 727,000 U.S. jobs, and calling on the President to threaten China with tariffs until it stops artificially lowering its workers' wages.

The idea that our trade statutes protect American workers from competition with repressed workforces overseas will surprise just about everybody, but in fact, these laws were enacted by Congress in the 1980s and signed by Ronald Reagan. For the past 15 years, unions have taken no action under the laws, because the U.S. job losses were hard to quantify.

Over the past year, however, Mark Barenberg, a Columbia University law professor, and Mark Levinson, chief economist for UNITE (the clothing and textile union), concluded that changes in the global economy were so huge that such a calculation was now possible—and necessary. In particular, there was the loss of nearly 3 million U.S. manufacturing jobs over the past 3 years, the concurrent explosion of Chinese manufacturing, the ballooning of the U.S. trade deficit with China and the abundant if largely ignored documentation of China's semi-Stalinist labor system. All these things combined to make a trade-law appeal on behalf of U.S. workers eminently plausible.

The 103-page AFL-CIO petition runs through an array of statistical analyses to come up with its figure of 727,000 displaced American manufacturing jobs. But its foremost achievement may be to encapsulate the vast literature that describes the part-feudal, part-communist labor system in which Chinese peasants must labor when they go to work in China's export-sector factories. Under China's hukou system of household registration, citizens must live and work in the place where they are permanently registered, normally their place of birth. Every household is designated as rural or urban, a distinction on which a caste system has been erected.

Urban workers are free to apply for and leave jobs; they are entitled to state housing and pensions. Rural workers, however, need state permission to seek work in towns and factories. Once employed, they enter a bonded-labor arrangement in which they cannot quit unless they can pay their employer an amount plainly beyond their means. The

hukou system forbids them to compete with urban workers for higher paying jobs, and migrant workers without jobs are subject to arrest by the state's public security bureau.

By state design, then, these workers have no power to affect their conditions of work. Though productivity in China has skyrocketed, they are routinely paid rural-level subsistence wages—as little as 15 to 30 cents an hour—when they are paid at all. Employers tend to recruit childless, young, single women, whom they pack into cement-block dormitories to which the women are commonly restricted when they're not on the factory floor. They cannot leave. They organize at the peril of imprisonment or torture.

China has 160 million workers in manufacturing and mining, nearly 12 times the U.S. total. The Organization for Economic Co-operation and Development estimates that 20 million peasants will enter the urban workforce every year for the next 20 years. This is, make no mistake, the planet's proletariat—and it in no way resembles the kind of free labor force we take for granted in the United States. Those U.S.-based corporations that invest in Chinese factories—a long list headed by Wal-Mart—owe some nice chunk of their profits to a workforce toiling, to resurrect a line from Mao, under "the barrel of a gun."

Critics will doubtless call the AFL-CIO "protectionist" for filing this petition. And if it's protectionist to demand that millions of Chinese women have the right to leave their jobs and apply for better ones, or to unionize their workplace or be allowed at least one day off a year, if it's protectionist to demand that U.S. workers not lose their jobs because they cannot work as cheaply as these repressed Chinese workers, then the AFL-CIO should absolutely plead guilty. What I'd like to hear from the critics—and from George W. Bush—is why they're protecting the deal between U.S. corporations and China's neo-Stalinist state to extract profits for them both at the expense of tens of millions of desperate young women.

[From the Washington Post, Mar. 22, 2004]

TRADE AND LABOR RIGHTS

The Ethical basis of free markets is that they reflect free, individual choices. Workers may be paid little, but if they sign up for jobs voluntarily, then those jobs must be the best options available. Removing those jobs, for example, by closing factories on the grounds that they are "sweatshops," will make workers' lives worse. But what if the workers' choices are not free—what if workers are locked up in factory dormitories and brutalized when they protest? In that case capitalism has lost its ethical foundation. Capitalism may remain a wonderful engine of economic growth, and growth in the long term tends to bring freedom. But in the meantime it will not be just.

This is why the trade complaint against China, filed by the AFL-CIO last week, deserves qualified sympathy. China's police state abuses workers, who sometimes go unpaid and then get beaten up when they demand what is owed to them; it has punished labor leaders with harsh prison sentences handed down after fake trials. The AFL-CIO is right that such treatment violates the principle that free economics should be rooted in free politics. If the effect of the petition is to goad the U.S. government into protesting human-rights abuses in China, it will be constructive.

But the unions' ambitions go beyond that. Their petition demands that the Bush administration punish China with trade sanctions, arguing that Chinese abuses drive down wages and increase the competitive pressure on American workers. In fact, ending abuses in China would not save many

American jobs. China has 800 million people living in the countryside, where under-employment afflicts one in three workers; for these people, wages of \$2 a day represent an attractive income. Market forces, not denial of workers' rights, are overwhelmingly the main reason for China's low wages.

Still, China's abusive labor practices are abhorrent, so one can agree with the unions' objective without accepting their supporting argument. The question is whether trade sanctions are the right way to help Chinese workers. Sanctions can sometimes work, especially if their aim is to extract specific concessions: that certain prisoners be released, for example, or that a particular labor practice be stopped. The unions' demand is that China set up an administrative system to enforce labor rights throughout its vast manufacturing sector. That might prove more than the communist regime can stomach, in which case the trade sanctions would disrupt trade without improving labor rights—retarding the economic progress that may bring political freedom in the long run.

The Bush administration must decide whether to consider the petition and what sanctions if any to apply. If it accepted the idea of imposing trade penalties on China, the Chinese would likely appeal to the World Trade Organization's arbitration panel, and the appeal might well be successful, forcing the United States to lift its sanctions. If, on the other hand, the panel sided with the United States, the WTO would for the first time have imposed on its members a duty to protect labor standards.

Would this be a good thing? Yes, provided that these labor standards governed basic political freedoms rather than mandating minimum wages or even minimum standards of safety. Imposing economic regulation on poor countries would harm poor workers by destroying their jobs. But even if the new standards were reasonable, they might cause a backlash from developing countries, which regard external imposition of labor standards as protectionism in disguise. If developing countries withdrew from the WTO as a consequence, trade would be disrupted, and workers would suffer once again.

In short, if trade is used as a lever to promote a revolution in international labor rights, the lever will break. Still, the unions are pursuing a good cause, and the administration should agree to consider their petition. Here's a small proposal: To allay poor countries' fears of disguised protectionism, the United States should couple measured promotion of labor rights with bigger cuts in U.S. tariffs on products such as textiles and sugar. That would displease some U.S. unions and businesses, but it would further the interests of the world's poorest workers.

HONORING AND CONGRATULATING
MR. THOMAS M. McDERMOTT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mr. Thomas M. McDermott on his retirement from the Northwest Indiana Forum. Tom has spent the past 11 years dedicating his life to the promotion of economic development and growth in Northwest Indiana. His career as President and CEO of the Northwest Indiana Forum has allowed him the opportunity to touch the lives of many people. In honor of his gracious service to his community, there will

be a celebration of his accomplishments on March 31 at the Horseshoe Casino in Hammond, Indiana.

Tom McDermott has accomplished many visionary goals throughout his career. Before joining the Forum in 1992, Tom served as Mayor of the City of Hammond for nine years. Prior to that, Mr. McDermott served as Circulation Director of The Times and as Suburban Circulation Director for the Chicago Sun Times. Tom has also ventured into the newspaper and radio business, serving at one time as owner of WIMS Radio in Michigan City, WXRJ in Crown Point, WJOB in Hammond, WCGO in Chicago Heights, Illinois, WABT in Kane County, Illinois, and WZVN in Merrillville.

Not only has Tom had many positive accomplishments throughout his career, he has also actively contributed to his community through participation in various programs aimed at improving opportunities for the people of Northwest Indiana. He has been a powerful member of the Board of the Fund for American Studies, the Lake Area United Way, Hoosier Boys Town, Boy Scouts of the Calumet Council, Lake Point Children's Discovery Center, Chancellor's Advisory Board at Purdue North Central, Partnership for a Drug Free Lake County, Northwest Indiana Urban League, Trade Winds Board, Welfare Reform Council, Campagna Academy Board, and the Northwest Indiana Quality of Life Board. In addition, Tom has addressed educators and community leaders in London on partnership programs to encourage excellence in education, and was chosen by the American Council of Young Political Leaders to represent the United States in Australia and Norway.

Along with his many other accomplishments, Tom has received numerous community service and leadership awards, including "Business Person of the Year" from the Hammond Chamber of Commerce. Other awards include: Lake County Economic Opportunity Council Service Award, Greater Hammond Community Services "Man of the Year" award, and the American Business Women's Association "Boss of the Year" award.

Mr. Speaker, Tom McDermott has given his time and efforts selflessly to the people of Northwest Indiana throughout his years of service. He has taught every member of his staff the true meaning of service to all members of the Northwest Indiana community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Tom McDermott for his outstanding contributions to Indiana's First Congressional District. I am proud to commend him for his lifetime of service and dedication.

PAYING TRIBUTE TO RUSSELL
HINDMARSH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Russell Hindmarsh for the contributions he has made to his Dolores community and the State of Colorado. Recently, Russell was chosen as Cattleman of the Year for his lifelong commitment to the cattle industry. It is with great sat-

isfaction that I congratulate Russell for this well-deserved honor, and thank him for his contributions to his community and state.

A veteran of the Korean War, Russell began working in the livestock industry at a young age, and learned to ranch sheep and cattle from his father. As his career in the industry progressed, he has focused his attention to raising cattle. Russell's involvement in the ranching community of Colorado includes having served on the advisory boards for the Forest Service and Bureau of Land Management, serving on the Southwest Livestock Association board, and serving on the Montezuma Woolgrowers board. He also is a former member of the Colorado Woolgrowers, the National Woolgrowers, the Colorado Cattlemen, and the National Cattlemen.

Mr. Speaker, it is clear that Russell Hindmarsh has a legacy of strong commitment to the cattle industry in the Dolores community and the State of Colorado. Russell's efforts to keep this great tradition of ranching vibrant is worthy of recognition before this body of Congress and this nation today. It is my privilege to extend to Russell my sincere congratulations on being named Cattleman of the Year for 2004, and wish him all the best in his future endeavors.

TRIBUTE TO FRANCIS I. "BUTCH"
HODGKINS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. MATSUI. Mr. Speaker, I rise in tribute to a man with a truly distinguished public service career. For nearly four decades, Francis I. "Butch" Hodgkins has served Sacramento County with great class and distinction. Butch will soon retire from his current position as the Executive Director of the Sacramento Area Flood Control Agency. As his friends, family and colleagues gather to celebrate Butch's illustrious career, I ask all of my colleagues to join me in saluting this outstanding citizen of Sacramento.

Butch received his Associate of Science degree from Sacramento City College and then moved on to California State University, Sacramento for a Bachelor of Science degree in Civil Engineering. In 1965, Butch began his four-decade long career with the County of Sacramento, Department of Public Works. From 1972 until 1988, he worked for Public Works Division of Sacramento County that dealt with the sewer system.

In March of 1989, Butch was appointed Deputy Director of the Department of Public Works for Sacramento County. During his tenure at this position, he served as the project and construction engineer for a \$100 million wastewater construction program. In addition, as Chief of the Division, he was responsible for a \$50 million per year regional wastewater project.

In September 1991, the Sacramento County Board of Supervisors assigned Butch to the City and County Office of Water Planning. In his capacity as a Liaison for the City and County Office of Water Planning, Butch was charged with the formidable task of formulating an area-wide plan to provide safe and reliable water supply in such a manner which

protects the environment for both the City and County of Sacramento. As he had demonstrated throughout his career up to that juncture, Butch achieved great success in this position. Butch soon developed a well deserved reputation as an effective problem-solver and a dedicated public servant. In September of 1994, Butch's outstanding track record would earn him the post of the Executive Director of the Sacramento Area Flood Control Agency (SAFCA.)

SAFCA is a joint organization with a Board of Directors comprised of members from Sacramento County Board of Supervisors, Sacramento City Council, Reclamation District 1000 Board of Trustees, American River Flood Control District Board of Trustees and Sutter County Board of Supervisors. Its primary function is to address problems such as regional flood control and levee instability in the Sacramento area.

Under Butch's stewardship, SAFCA has grown in credibility, visibility, and reach. In a community in which everyone agrees that the region's current flood protection is woefully inadequate, but not everyone agrees on a solution, Butch has helped mold SAFCA into the definitive and unifying authority on all matters related to flood control in the Sacramento Area. Throughout his successful tenure as Executive Director, Butch has proven to be an effective consensus builder, pragmatic thinker, and tireless worker who has rightfully earned the respect and admiration of those who have worked with him.

In his retirement, Butch can look forward to spending more time with his wife, Christine and daughters, Shelly Lynn and Laurie. I am confident that Butch would achieve great success and happiness in his retirement, just as he had throughout his professional career.

Mr. Speaker, as Butch's friends, family and colleagues gather to celebrate his great career; I am truly honored to pay tribute to one of Sacramento's most honorable citizens. The Sacramento region has benefited greatly from having Butch's strong leadership during turbulent times. He will be missed greatly by all who worked with him. I ask all of my colleagues to join with me in wishing Butch continued success in all of his future endeavors, wherever retirement may lead him.

RECOGNIZING PROFESSOR RICHARD HANN OF IMPERIAL COUNTY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. HUNTER. Mr. Speaker, I rise today to recognize Professor Richard Hann of Imperial County. Professor Hann recently retired from Imperial Valley College (IVC) after 35 years of devoted service and teaching. I believe it would be accurate to say that Professor Hann has touched the lives of thousands of students during his tenure.

Richard's leadership, enthusiasm for teaching and desire to have students develop and exercise their critical thinking skills as Chairman of the Social Science and Humanities Divisions at IVC will be sorely missed. It is becoming increasingly rare to find educators who

exhibit the effort and values Richard instilled into the academic environment at IVC. These were exhibited on a daily basis and earned Professor Hann the respect of his colleagues, students, and college administration.

I also want to recognize and thank Professor Hann for the work he has done on behalf of Imperial and San Diego Counties. During a time where the pursuit of knowledge and the commitment to one's community often becomes an afterthought, your continued efforts to preserve the history of Imperial and San Diego Counties will benefit our communities for years to come. For your work in this important area, we are forever indebted and are all grateful.

Congratulations again on your retirement Professor Hann, I wish you all the best with your future endeavors.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. BECERRA. Mr. Speaker, on Monday, March 29, 2004, I was unable to cast my floor vote on rollcall Nos. 94 and 95. The votes I missed include rollcall vote 94 on the Motion to Suspend the Rules and Agree to the Senate Amendments to H.R. 2584, to Provide for the Conveyance to the Utrok Atoll Local Government of a Decommissioned National Oceanic and Atmospheric Administration Ship; and rollcall vote 95 on the Motion to Suspend the Rules and Pass H.R. 3723, the Vaughn Gross Post Office Designation.

Had I been present for the votes, I would have voted "aye" on rollcall votes 94 and 95.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. ETHERIDGE. Mr. Speaker, yesterday my original flight from my congressional district in North Carolina was canceled, forcing me to take a later flight. Therefore I was unavoidably detained and missed the following three votes: passage of H.R. 2584; passage of H.R. 3723; and passage of H.R. 3917.

Had I been present, I would have voted "Yes" on each of these rollcall votes. I ask unanimous consent that this statement be recorded in the appropriate place in the CONGRESSIONAL RECORD.

RECOGNIZING COLONEL MICHAEL A. SHUPP

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. DREIER. Mr. Speaker, I rise today to recognize an exceptional officer of Marines,

Colonel Michael A Shupp. Colonel Shupp will soon complete a highly successful 3 year tour as the Marine Corps' Liaison Officer to the U.S. House of Representatives. It is truly a pleasure for me to recognize a few of his many outstanding achievements.

Colonel Shupp was raised in Bethlehem, PA. He attended the Virginia Military Institute and graduated with a Bachelors of Arts Degree in History. He completed the Airborne Course at Fort Benning, GA in 1979, and the Marine Officer's Candidate School at Quantico, VA, in 1980. He was commissioned a Second Lieutenant upon his graduation from VMI and entered the Marine Corps in May 1981.

His many assignments over the past 23 years have included command of Company "A" 1st Light Armored Infantry Battalion during Operations Desert Shield and Desert Storm and command of the 3rd Light Armored Reconnaissance Battalion of 1st Marine Division at MAGTF-Training Command, Twenty-nine Palms, CA. Additionally, he has served in many important staff billets to include being an operational planner for II Marine Expeditionary Force, Camp Lejeune, NC, Plans Officer for 26 MEU (SOC) during Operation Dynamic Response, and being the Marine Corps' representative to the Assessment Planning Team for Operation Allied Force in Kosovo.

In August 2001, Colonel Shupp arrived for duty as the Marine Corps Liaison Officer to the U.S. House of Representatives. For the past 3 years, he has expertly represented the Marine Corps on all matters in the House of Representatives and spearheaded the Marine Corps' most difficult and challenging legislative initiatives. Through direct and skillful interaction with Members of Congress, he ensured that Marine Corps capabilities and requirements were widely understood by key Members of this body, assisting them in their decision-making. His initiative, leadership, and tireless efforts as the House Liaison Officer have had a lasting impact on improving the war fighting capabilities and the quality of life for Marines throughout the Marine Corps. Most importantly Mr. Speaker, Colonel Michael Shupp has come to epitomize those qualities that we as a nation have come to expect from our Marines—absolutely impeccable integrity, moral character and professionalism.

Mike was promoted to Colonel while serving here with us in 2003. He has traveled with us to dozens of countries, introduced us to hundreds of Marines worldwide, educated us on the capabilities and needs of the Marine Corps, and served as a stellar example of commitment to this great Nation. As he reports to his next assignment as the Commanding Officer of 1st Marine Regiment, headquartered at Camp Pendleton, CA I know he will continue his legacy of steadfast leadership and devotion to his men. Together with his lovely wife, Sherrye, he will always exemplify the Marine traditions of honor, courage, and commitment. It has been my pleasure to know and work with Colonel Mike Shupp over the last 3 years; a distinction I know is shared by many of my colleagues. I feel sure you want to join me in wishing Mike, Sherrye, and their daughter Jessica continuing success as well as fair winds and following seas.

HONORING ABIGAIL POWERS
FILLMORE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. REGULA. Mr. Speaker, today, March 30, 2004, marks the 151st anniversary of the death of First Lady Abigail Powers Fillmore, founder of the very first White House Library.

Abigail Powers was born on March 13, 1798, in Stillwater, NY, and received a good education and love for learning and libraries through the personal library of her father, Reverend Lemuel Powers (d. 1800). She became a school teacher at age sixteen and helped establish a small circulating library in Kelloggsville, New York about 1817 that greatly influenced the intellectual development of her future husband and President of the United States, Millard Fillmore.

Abigail Powers Fillmore found the White House destitute of books when she became First Lady in 1850 and encouraged and supported her husband's request for appropriations from Congress to establish a library in the Executive Mansion. She used the \$2,250 appropriated by the 31st Congress to select library books for the Executive Mansion and transform the Yellow Oval Room into the first official White House Library. Subsequently, the White House Library was the center of many cultural, social, and political activities during the Fillmore Presidency and has been a legacy enjoyed by subsequent presidential administrations for over 150 years.

We honor the life and work of Abigail Powers Fillmore. She serves as a reminder to us of the importance of continuing to advocate for libraries and for educational programs. In these times of economic difficulty and challenge, we continually are reminded of the key role libraries play in providing Americans with the opportunities they need to promote lifelong learning.

PAYING TRIBUTE TO JULIUS
DIGREGORIO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Julius DiGregorio, a lifelong resident of Trinidad, Colorado who passed away recently at the age of 89. Julius lived a full life as a patriot, devoted family man, and beloved member of his community. As his family mourns his loss, I believe it is appropriate to remember Julius and the many contributions he made to his community, State and country.

Julius embodied the spirit of America, and his story is a prime example of what makes America such a great country. He grew up in Trinidad, Colorado, where he played on the State Champion Trinidad High School Miners football team. Undeterred by the Great Depression in the 1930s, Julius attended Notre Dame College, earning a degree in mechanical engineering which he put to use as an engineer in South America. He served his coun-

try proudly in World War II, earning a bronze star while serving under General Patton during the liberation of Italy.

Once Julius returned to Trinidad, he staked his claim by building and managing an apartment building, as well as owning and operating the Columbian Hotel. In 1949, he married Frances Amato with whom he had three loving children. A man devoted to education and his community, Julius became the Director of the Head Start programs for Las Animas and Huerfano Counties in the 1970s, and a member of the Western Regional Head Start Director's Board.

Mr. Speaker, we are all terribly saddened by the loss of Julius DiGregorio, and I am deeply honored to bring his life to the attention of this body of Congress and this Nation. My heart goes out to his family during this difficult time of bereavement.

RECOGNIZING MISS LAURIE LYNN
BARTON

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. COLLINS. Mr. Speaker, it is my pleasure to recognize an important member of my staff here in Washington, D.C.: Miss Laurie Lynn Barton. Laurie has received the distinction of being selected by the Georgia State Society as Georgia's 2004 Cherry Blossom Princess. I am proud to congratulate her on this prestigious honor.

Laurie is the daughter of Ed and Jan Barton of Statesboro, Georgia. She graduated in 2002 from the University of Georgia, and later that same year, she became a member of my staff in Washington, D.C. Her tenure with my office is marked by tirelessly serving my constituents with a hard work ethic and commitment to excellence. I often receive thank you letters from my constituents emphasizing Laurie's outstanding service, and for that I am grateful.

The annual Cherry Blossom Festival in Washington, D.C. is a rite of Spring in our Nation's Capital. It is marked by the blooming of the picturesque Cherry Blossom trees that adorn the Tidal Basin of the Jefferson Memorial and surrounding areas on the Mall. The Festival is a wonderful family event that brings people of all ages, from around the world, to Washington, D.C.

I am proud that Miss Laurie Lynn Barton will be representing the great State of Georgia in this international event.

CELEBRATING THE 25TH ANNIVERSARY
OF THE TAIWAN RELATIONS
ACT

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. KING of New York. Mr. Speaker, today I rise in celebration of the 25th anniversary of the Taiwan Relations Act.

On April 10, 2004, the Taiwan Relations Act (TRA), which has provided the framework for a strong and mutually beneficial relationship

between the United States and the Republic of Taiwan (ROC), will commemorate 25 years since its enactment by Congress. The TRA has helped provide peace and stability in the Taiwan Strait making possible the extraordinary economic expansion and democratization that has taken place there.

In 1979, during the process of normalizing relations with Beijing, there was great apprehension in the Congress that American security and economic interests in Taiwan would not be protected. What evolved is the only law which oversees almost every facet of U.S. relations with a foreign entity in the absence of diplomatic relations.

The new law provided for the security of Taiwan, formed a legal framework to protect the close relationship between the United States and Taiwan, and established Congressional oversight of that relationship including requirements that the President inform and consult with Congress when confronted by anticipated danger to Taiwan.

Today the TRA has withstood the test of time. Taiwan has built one of the world's top economies with nearly \$52 billion in trade with the United States, making it our eighth largest trading partner.

The Taiwanese constitution guarantees its 23 million citizens freedom of assembly, expression and association, freedom of religion, and freedom of the press. In addition, Taiwan has established strong support for human rights, committing itself to the major international human rights conventions.

Taiwan has become an openly democratic society with free and fair elections held at all levels of government. Over 80 percent of voters participated in Taiwan's recent elections, demonstrating the vitality of Taiwan's democracy. President Chen Shui-bian who has already been certified as the winner by the central election commission has agreed to a recount and hopefully one will take place in the very near future.

But whatever the final result, the fact remains that Taiwan has provided a moving example of democracy in action and one can only hope that it will serve as an inspiration for the more than one billion Chinese living in the People's Republic of China who will one day have an opportunity to elect their own government in a comparably democratic fashion.

It also should serve as a powerful and poignant reminder of the extent to which Taiwan and the United States share a common commitment to the principle that governments should be elected by the people they serve as well as underscore the vitality of the TRA and the need for continued American support for this vibrant democracy.

RECOGNIZING THE 75TH ANNIVERSARY
OF THE MASCOUTAH PUBLIC
LIBRARY AND THE CONTRIBUTIONS
OF THE MASCOUTAH WOMEN'S CLUB

HON. JERRY F. COSTELLO

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 75th Anniversary of the Mascoutah Public Library and the contributions of the Mascoutah Women's Club at helping establish the library.

In 1929 a small group of civic-minded women had a dream. Their dream was for Mascoutah to have a free public library. In their first formal meeting in January, 1929, Mrs. William Freivogel stated that the members of the Mascoutah Women's Club would take an active interest in civic affairs and that they would try to start a library. They then discussed the feasibility of undertaking such a large project.

Establishing a library was a huge task for 19 women who had no money, no books, no building to house the library and no furnishings. Their first major step was to find a suitable building for their needs. For six dollars a month they rented a small, two room brick house at 15 West Main Street across from the Cottage Hotel, the present site of the Mascoutah Post Office. Their goal was to have the building ready for occupancy by April 1, 1929. The women, along with a high school teacher and his assistants, built shelving and tables and opened the library with a small number of donated books.

The women's club then looked for a funding source for their new library. Funding was secured for the library by going directly to the citizens of the community. The club divided Mascoutah into sections and assigned members a group of homes or businesses to visit and ask for financial support for the library. Citizens were eager to support the library and their first fundraiser netted \$125.61. The club also appealed for donations of books for the new library and the response from the public was overwhelming.

By 1930, the library had between 1,500 and 1,800 books on its shelves. Other fund-raising projects by the Women's Club included public card parties and tea receptions. The Club also saved and redeemed soap wrappers for cash and sponsored book reviews. However, financial operations for the library continued to be a burden. It was during this time that the Works Progress Administration (WPA) opened many libraries in the area and they became interested in assisting the Mascoutah Public Library. The WPA-aided library reopened on October 31, 1938 and extended the operating hours. With the addition of these new funds, a librarian and custodian were appointed.

In January, 1939, another step was taken toward giving Mascoutah a very modern, up-to-date library. At a meeting of the Women's Club Executive Committee and the Library Committee, Mascoutah Mayor Raymond Pfeifer announced that a room in the new City Hall would be set aside for the library. Not only would the city supply the room, but they would furnish tables, chairs, and book shelves.

The new room would be on the second floor of the new City Hall and would extend across the entire front of the building. As the new City Hall was still under construction, the library would be available for occupancy when the municipal building was complete. When the library moved from 15 West Main Street into its new City Hall location on June 30, 1939, it owned 900 books. At this time the Women's Club added an even larger number of volumes to the existing collection. Dedication of the City Hall took place July 4, 1939.

The WPA continued to staff and maintain the library until 1941, when the Mascoutah Women's Club again resumed responsibilities for operation and management. Hours were curtailed, however, to two afternoons a week due to financing constraints. With over-

whelming public support, on March 16, 1942, the city council voted to adopt the library as their project and a small tax was levied for its operation and management. The City Council also appointed members of the Women's Club to the Library Board.

Through the years the Mascoutah Women's Club continued to support the library in many ways from financial support and donations of books to serving as members of the new library board. It is through the direct efforts of this group of dedicated women that has allowed Mascoutah to enjoy a community library providing many opportunities for the young people of the area to learn about their community and the world.

Mr. Speaker, I ask my colleagues to join me in recognizing the 75th Anniversary of the Mascoutah Public Library and the contributions of the Mascoutah Women's Club at helping to establish this important community resource.

RECOGNITION OF THE BALTIC
MEMBERS OF THE COALITION OF
THE WILLING

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to give recognition to three members of the "Coalition of the Willing"—Latvia, Estonia, and Lithuania.

These Baltic nations have answered the call to freedom. The people of Latvia, Estonia, and Lithuania should feel very proud of the effort their governments have given to the rebuilding of Iraq and during Operation Iraqi Freedom. They have troops deployed in Iraq and these men and women are putting their lives on the line in the fight for freedom and democracy. In fact Latvia has deployed 150 soldiers, Estonia 55, and Lithuania 85. The sacrifice they are making should not be taken lightly.

These countries understand what freedom is, and what it takes to ensure it. I wish more countries had the same sense of duty and responsibility as these three nations. When the future is written, what they have done and sacrificed will not be forgotten. I applaud all of their efforts and I am very proud of what they have accomplished. The Coalition of the Willing has been criticized as being "token allies" and claims of ulterior motives have been made. I for one don't believe any of this and I am glad these countries have joined our efforts. This is a fight worth fighting, and I salute our friends from Latvia, Lithuania, and Estonia.

PAYING TRIBUTE TO LARRY
EDWARD PENLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. McINNIS. Mr. Speaker it is with great pride that I rise today to pay tribute to one of our nation's top educators. Larry Edward Penley will be inaugurated in the coming weeks as the President of Colorado State University, and with his rich academic back-

ground, the students of Colorado will be well served. Larry has been improving the lives of American students for years, and I would like to join my colleagues here today in recognizing his tremendous service to the Colorado community and this nation.

Larry received both his bachelor's degree in psychology and his master's degree in communication from Wake Forest University before completing his doctorate in Management at the University of Georgia. Following graduate school Larry joined the faculty at the University of Texas at San Antonio where he eventually served as associate dean of the College of Business. In 1991, he was appointed as dean of the Arizona State W.P. Carey School of Business which he saw become one of the nation's most prominent business schools.

Larry is a well-rounded academic who has been involved with several community improvement organizations like the United Way and the Arizona Coalition for Tomorrow. His research has focused on effective management skills and he is published in several of the nation's top academic journals. In addition to his service to the University and multiple associations he has consulted for, Larry has been awarded several honors, such as the MBA Students Associations Lifetime Achievement Award and the Hispanic Business Students Association Century Award for Exemplary Support and Leadership. Larry has raised millions of dollars for Arizona State University as he revised the curriculum to include more technology and actively recruited a diverse range of the nation's top high school students.

Mr. Speaker, Larry Edward Penley is a dedicated, selfless person who has been a wonderful ambassador for education in our country, and I am honored to welcome him to the Colorado academic community. His passion for public service is an outstanding example to set for America's youth, and his enthusiasm and commitment certainly deserve the recognition of this body of Congress and this nation. Congratulations on your new position, and keep up the good work!

CONGRATULATING ALEXANDRA
HOLDERMAN AND KARVA
VAIDYANATHAN FOR THEIR EX-
EMPLARY VOLUNTEER SERVICE

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate two of my constituents for receiving recognition by the ninth annual Prudential Spirit of Community Awards; Alexandra Holderman of Mishawaka, Indiana, and Karva Vaidyanathan of Granger, Indiana. These awards constitute America's largest youth recognition program based exclusively on volunteerism. The program was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important.

Alexandra was named one of the top two youth volunteers in Indiana for 2004. She will be honored at the national awards ceremony

in Washington, DC, this coming May. Nominated by LaSalle Elementary School, Alexandra has collected and delivered more than 1,200 bundles of baby clothing, blankets, diapers, and other supplies over the past five years for infants born to needy single and teen-age mothers.

Karva has been named a Distinguished Finalist by the program's judges, and will receive a bronze medallion for her outstanding volunteer work. Karva collected 25 cartons of school supplies and \$3,000 to purchase computers for orphans attending a vocational training school in India.

I am proud of the work accomplished by Alexandra and Karva, and I commend them for taking an active role in their communities. They have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and they deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

HONORING THE 5TH ANNIVERSARY
OF THE AMERICAN LEGACY
FOUNDATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Ms. NORTON. Mr. Speaker, I rise today to recognize the American Legacy Foundation, a national organization dedicated to helping young people reject tobacco and Americans quit smoking. The foundation recently celebrated its fifth anniversary and I am proud that this organization has chosen our Nation's Capital as its home base.

Forty-seven million Americans smoke, but tobacco is not an equal opportunity killer. Forty years ago, the well educated and affluent smoked more, but the 21st century smoker is typically lower income and less educated. Today, the negative impact of tobacco-related disease disproportionately affects the poor and ethnic or cultural minorities.

For the last 2 fiscal years, the District of Columbia ranked last among the States in tobacco prevention spending. This is exactly why Congress must support the Metro D.C. Call Center, as well as innovative and results-oriented programs like the American Legacy Foundation's truth[®] campaign, Circle of Friends and Great Start. The Metro D.C. Call Center and programs such as truth[®] do help DC residents reject tobacco and pursue healthier lifestyles.

The American Legacy Foundation was created out of the Master Settlement Agreement put forth by our Nation's attorneys general, but under the terms of the agreement, the American Legacy Foundation received its last payment earlier this year. This dramatic reduction of resources jeopardizes all of the successes the foundation has achieved.

That's why I would like to ask my fellow colleagues to join me in recognizing the American Legacy Foundation and its groundbreaking programs, and pledge our continued support for this vital organization.

HONORING TRENT TOUCHSTONE
OF THE U.S. MARSHALS SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. BURGESS. Mr. Speaker, I rise today to honor a member of the U.S. Marshals Service (USMS) in North Texas who has served with distinction. Supervisory Criminal Investigator Trent Touchstone has achieved a reputation within the law enforcement community as a professional manager who understands that training and agency coordination are the cornerstones of successful law enforcement operations.

During Mr. Touchstone's tenure with the USMS, this dedicated public servant has coordinated the location and apprehension of violent offenders among more than two dozen law enforcement agencies. Trent is responsible for the development and supervision of the Northern District of Texas' Special Response Team, which supports other law enforcement agencies in high-threat arrest operations, assists with their tactical training, and participates in multi-agency law enforcement competitions.

Trent was also instrumental in building the USMS Northern District of Texas' (N/TX) Training Facility. Since the N/TX Training Facility opened its doors, more than 1,100 state and local officers from 98 law enforcement agencies have trained at the facility. Supervisor Touchstone has also developed training films for Deputy U.S. Marshals and Court Security Officers depicting many dangerous situations they may encounter.

I am pleased to join Mr. Touchstone's colleagues in congratulating him on receiving the USMS Distinguished Service Award. His tireless devotion to public service has been an asset to the law enforcement community in North Texas and the citizens they protect.

CONCURRENT RESOLUTION ON
THE BUDGET FOR FISCAL YEAR
2005

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. SHERMAN. Mr. Chairman, I voted in favor of the Congressional Black Caucus substitute amendment, the Blue Dog substitute and the Democratic substitute. None of these budget resolutions is perfect, but all are improvements over the Republican budget.

HONORING THE RETIREMENT OF
RANDY HICKS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to my friend Randy Hicks on the occasion of his retirement from BASF Corporation after twenty-seven dignified years of employment.

Serving as the Communication Manager since 2001, Mr. Hicks has shown tremendous dedication and leadership throughout his long-lasting employment. He began his career in the Marine Corps and served two years of duty in Vietnam. In 1968, after departing from the Marines, he worked for Ford Motor Company in Wyandotte while attending Wayne State University and studying business administration. Mr. Hicks began his employment at the BASF Corporation as a Human Resource Manager before becoming the Communication Manager.

In addition to working at BASF Corporation, Mr. Hicks finds many ways to channel his supportive energy into the community. A past Chairman of the Southern Wayne County Regional Chamber and Detroit Heritage River Business Committee, he serves on the Board of Wyandotte Federal Credit and Henry Ford Wyandotte Hospital. He also has invested his time and effort into the Board of the Southeast Michigan Community Alliance Workforce Development, the City of Wyandotte Police and Fire Commission, and the Advisory Panel of Wayne County Community College.

I am personally indebted to Randy Hicks for the support and active role he played in turning the Detroit River International Wildlife Refuge from a dream into a reality. Randy understood immediately the long-term and lasting benefits the Refuge would create and with his support, we actively built both a Refuge and a constituency. As a result of Randy's involvement the BASF Corporation has put a couple of parcels of property into the Refuge and hopes to add others.

As Mr. Hicks enters his retirement years, I would like to extend my best wishes for a relaxing and enjoyable future. I would like to thank him for all of his hard work and commitment to BASF Corporation and the Downriver community.

Mr. Speaker, I would like to ask that my colleagues join me in commending Randy Hicks for leadership in both his corporation and community, as we celebrate his twenty-seven years of dedication to the BASF Corporation.

RURAL JOB LOSS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. STUPAK. Mr. Speaker, today the Congressional Rural Caucus held a forum on job losses in rural America. This is a critical issue in my district and in rural districts across the country. I would like to submit my comments on this issue for the RECORD.

I represent Michigan's 1st congressional district—the most rural district in Michigan. My constituents are all too familiar with job loss. Michigan has an unemployment rate of 7.6 percent—well over the national average. There are areas in my district where the unemployment rate actually exceeds 12 percent. 12 percent!

Since January 2001, 2.8 million manufacturing jobs have been lost across the country, 128,900 in Michigan alone. That is a loss of 1 out of every 6 factory jobs. In Michigan manufacturing is the engine of economic growth for our state—so you can see why the impact of rural job loss has been particularly devastating.

Manufacturing jobs seem to be heading out of Michigan to Mexico in droves. Recently, a refrigerator manufacturer, Electrolux, announced it is closing its doors and relocating to Mexico, costing us another 2,700 Michigan jobs. And just yesterday, Johnson Controls Inc., an automotive supplier in Holland, Michigan, announced its plans to move almost 900 jobs to Mexico.

We all know the problem, but what about a solution? We need to fix our international tax law that gives incentives to companies for shipping jobs overseas through tax credits and tax deferrals.

We need to fully fund programs like the Manufacturing Extension Partnership that has successfully helped small manufacturers to modernize and stay competitive in the global marketplace. This program is essential to rural economic growth. But the Administration has proposed cutting it by 60 percent. That makes no sense when this country is hemorrhaging jobs.

For example, I know that MEP has directly helped a number of companies in my district including Jacquart Fabric Products with 100 workers in Ironwood.

Last year, my Democratic colleagues from Michigan and I proposed the H.E.L.P. initiative to assist in turning the economy around and getting people back to work. H.E.L.P. focuses on employee healthcare and pension issues, as well as leveling the international playing field, and supporting partnerships with states, businesses, and employees which promote research and development.

In many of the communities in my district, hospitals and schools are among the largest employers. We need to keep hospitals open, and attract health care providers. We need to provide our rural schools with much needed tools such as broadband access and Internet classes. We need to attract small businesses. And we need to expand services for our seniors and veterans.

Unfortunately, I don't believe that the current budget proposals recently passed by the House and Senate are going to help get the 8 million jobless in our country back to work. We have a lot of work to do to jump start the economy.

I am glad the voices of our rural communities are being heard today. I look forward to hearing your recommendations on how to best address the problem of job loss in rural America.

CELEBRATING THE LIFE OF NICHOLAS P. DINAPOLI, ON THE OCCASION OF HIS 80TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Nicholas DiNapoli on the occasion of his 80th birthday. The son of Thomas "Pete"

DiNapoli and Jeanette DiNapoli, Nick DiNapoli was born on April 6th, 1924, in Roslyn Heights, New York. He and his sister Tina attended Roslyn Public Schools and Nick was graduated from Roslyn High School in 1942.

From 1942 until 1953, Nick was an active member of the Roslyn Highlands Volunteer Fire Department and from 1943 until 1946 he served his country in the United States Army Air Corps, 4th Air Force, where he attained the rank of Corporal.

On September 5th, 1948, after returning from his service in World War II, Nick married Adeline Abbondandolo, also of Roslyn Heights, at St. Mary's Church where as a child he had been an altar boy. The newly married couple lived on Carlyle Place in Roslyn Heights until, on an especially proud day in 1953, they moved into the house they had built at 52 Coventry Avenue in Albertson.

It was around this time that Nicholas DiNapoli began working for the New York Telephone Company, where he rose from splicer's helper to splicer in 1948 and was eventually promoted to foreman in 1969. He served as Maintenance Supervisor, Auditor and Acting Manager before retiring in 1985 with 40 years of proud service.

Nick's children, Thomas Peter, born in 1954, and James, born in 1955, have been a constant source of pride. When his sons were growing up, Nick participated in many of their activities and became involved as an adult leader in the Albertson Little League and Troop 481 of the Boy Scouts of America. He attended ball games as well as camping and fishing trips with his sons and their friends. Tom is now the Assemblyman from the 16th Assembly District and James is the Deputy Chief of the Department of Public Safety for the New York State Courts. Some of Nick's fondest memories are of Tom's first election to the State Legislature in 1986 and of James' wedding to his wife Rachel in 1993.

Today Nick enjoys golfing, fishing and travel and he walks regularly to stay healthy. The joys of his life, however are his two grandchildren, Victoria Adeline, 9, and Nicholas James, 6. Though his beloved wife Adeline, passed away in 1991, Nick is lucky to have found a close companion in Kay Mensching. He is a member of St. Aiden's Roman Catholic Church in Williston Park and a member of American Legion Post 144. He has been a Legionnaire for over 50 years. Nick is also an Exempt and Honorary Member of the Roslyn Highlands Volunteer Fire Department.

Mr. Speaker, I wish Nicholas DiNapoli all the best on the occasion of his 80th birthday and in recognition of his many years of service to the community, I ask my colleagues in the House of Representatives to please join me celebrating his outstanding life.

CHILDREN'S EXPRESS LANE TO HEALTH COVERAGE ACT

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 2004

Ms. CARSON of Indiana. Mr. Speaker, today I rise to invite my colleagues to cosponsor H.R. 4031, the Children's Express Lane to Health Coverage Act. This bipartisan measure, authored by Senator RICHARD LUGAR and I, will help States' efforts to enroll income-eligible children in the States Children's Health Insurance Program, commonly referred to as SCHIP.

As you know, despite gains in recent years, nearly 9 million children in the United States remain uninsured. Of those, nearly 7 million children are eligible for public health insurance coverage.

H.R. 4031, the Children's Express Lane to Health Coverage Act, builds on our successful legislation in the 106th Congress that provides States with the option of using the National School Lunch Program and the Women's Infants Children Program (WIC) to identify uninsured children eligible for benefits under the SCHIP and Medicaid programs.

Many States have used this cost-saving option successfully in promoting the well-being of income-eligible children.

While existing law allows children to be income-eligible for WIC based on their enrollment in the Medicaid program, the law does not give States adequate flexibility to make an income determination of eligibility for the Medicaid or SCHIP program based on an uninsured child's enrollment in WIC or another public program.

The Children's Express Lane to Health Coverage Act will give States the option of establishing that their Medicaid or SCHIP financial eligibility rules are satisfied when a family presents proof that their child is already enrolled in another program with comparable income guidelines.

Mr. Chairman, the public is well served when Federal means-tested public programs are able to improve administrative efficiency and coordination, as well as reduce unnecessary bureaucracy.

Moreover, uninsured children are well served when their enrollment in a nutrition-based or other means-tested program serves as a gateway to health coverage.

My colleagues, money alone will not solve America's health care challenges. We must maximize our existing resources by being more creative and aggressive in our outreach efforts and making it easier for families to tap into these benefits. We all know that children who do not get routine, preventative health care will not reach their full potential. We simply cannot afford to put our children at that disadvantage.

I urge you to become a cosponsor of this commonsense, bipartisan legislation.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3315–S3388

Measures Introduced: Seven bills were introduced, as follows: S. 2255–2261. **Pages S3366–67**

Measures Passed:

Coast Guard and Maritime Transportation Act: Committee on Commerce, Science and Transportation was discharged from further consideration of H.R. 2443, to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and the bill was then passed, after agreeing to the following amendments proposed thereto:

Page S3387

Alexander (for McCain) Amendment No. 2954, in the nature of a substitute. **Page S3387**

Alexander (for McCain) Amendment No. 2955, to amend the title. **Page S3387**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators McCain, Stevens, Lott, Hutchison, Snowe, Hollings, Inouye, Breaux, and Wyden; and from the Committee on Environment and Public Works: Senators Inhofe and Jeffords. **Page S3387**

Welfare Reform Reauthorization: Senate continued consideration of H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, taking action on the following amendment proposed thereto: **Pages S3324–45**

Adopted:

By 78 yeas to 20 nays (Vote No. 64), Grassley (for Snowe) Amendment No. 2937, to provide additional funding for child care. **Pages S3334–35**

Pending:

Boxer/Kennedy Amendment No. 2945, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. **Pages S3336–45**

A motion was entered to close further debate on the committee amendment in the nature of a substitute and, in accordance with the provisions of

Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, April 1, 2004. **Page S3388**

A unanimous-consent agreement was reached providing for further consideration of the bill following the appointment of conferees to the House Message to accompany S. Con. Res. 95, Congressional Budget Resolution, on Wednesday, March 31, 2004. **Page S3388**

Budget Resolution—Agreement: A unanimous-consent-time agreement was reached providing that at 10 a.m., on Wednesday, March 31, 2004, Senate will consider the House Message to accompany S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, with 90 minutes for debate; following the use or yielding back of time, Senate disagree to the amendment of the House, agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S3388**

Appointments:

HELP Around the Globe Commission: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 108–199, appointed the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Eric G. Postel of Wisconsin. **Pages S3387–88**

HELP Around the Globe Commission: The Chair, on behalf of the Majority Leader, pursuant to Public Law 108–199, Title VI, Section 637, appointed the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Michael A. Ledeen of Maryland. **Pages S3387–88**

Abraham Lincoln Study Abroad Fellowship Program: The Chair, on behalf of the Majority Leader, pursuant to Public Law 108–199, Section 104(c)(1)(A), appointed the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program: William E. Troutt of Tennessee. **Page S3388**

Nominations Received: Senate received the following nomination:

Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Korea. **Page S3388**

Messages From the House: **Page S3363**

Measures Referred: **Page S3363**

Measures Placed on Calendar: **Page S3363**

Executive Communications: **Pages S3363–66**

Executive Reports of Committees: **Page S3366**

Additional Cosponsors: **Pages S3367–68**

Statements on Introduced Bills/Resolutions:
Pages S3368–71

Additional Statements: **Pages S3362–63**

Amendments Submitted: **Pages S3371–86**

Notices of Hearings/Meetings: **Page S3386**

Authority for Committees to Meet: **Pages S3386–87**

Record Votes: One record vote was taken today. (Total—64) **Pages S3334–35**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:19 p.m., until 9:30 a.m., on Wednesday, March 31, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3388.)

Committee Meetings

(Committees not listed did not meet)

DC YOUTH ADMINISTRATION

Committee on Appropriations: Subcommittee on District of Columbia concluded a hearing to examine the deficiencies at the District of Columbia's Youth Services Administration, after receiving testimony from Austin A. Andersen, Interim Inspector General; Ronald S. Sullivan, Jr., Director, Public Defender Service; Robert C. Bobb, City Administrator and Deputy Mayor; and Eugene N. Hamilton, Chair, Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, all of the government of the District of Columbia.

APPROPRIATIONS: MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded a hearing to examine proposed budget estimates for fiscal year 2005 for Defense-wide and Air Force military construction programs, after receiving testimony from Raymond F. Dubois, Jr., Deputy Under Secretary of Defense, Installations and Environment; Nelson F. Gibbs, Assistant Secretary of the Air Force, Installations, Environment, and Logistics; Major General L. Dean Fox,

USAF, Air Force Civil Engineer, U.S. Air Force; Brigadier General David A. Brubaker, USAF, Deputy Director, Air National Guard, U.S. Air Force; Brigadier General William M. Rajczak, USAF, Deputy to the Chief of Air Force Reserve, U.S. Air Force.

APPROPRIATIONS: DEPARTMENT OF HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine proposed budget estimates for fiscal year 2005 for border security and enforcement and immigration services, after receiving testimony from Robert C. Bonner, Commissioner, Bureau of Customs and Border Protection; Michael J. Garcia, Assistant Secretary, U.S. Immigration and Customs Enforcement; and Eduardo Aguirre, Jr., Director, U.S. Citizenship and Immigration Services, all of the Department of Homeland Security.

IRAQ SURVEY GROUP

Committee on Armed Services: Committee concluded a closed hearing to examine the second interim report of the Iraq Survey Group, after receiving testimony from Charles A. Duelfer, Special Advisor to the Director of Central Intelligence for Strategy Regarding Iraqi Weapons of Mass Destruction Programs; and Major General Keith W. Dayton, USA, Commander, Iraq Survey Group.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine the proposed Defense Authorization Request for fiscal year 2005 and the Future Years Defense Program, focusing on Army aviation programs, after receiving testimony from Lieutenant General Richard A. Cody, USA, Deputy Chief of Staff for Operations and Plans, U.S. Army; Major General Joseph L. Bergantz, USA, Program Executive Officer for Aviation, U.S. Army; and Brigadier General Edward J. Sinclair, USA, Commanding General, U.S. Army Aviation Center and Fort Rucker.

MILITARY OPERATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing on operations and intelligence from Paul Wolfowitz, Deputy Secretary of Defense; and General Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 2238, to amend the National Flood Insurance Act of 1968 to reduce loses to properties for which

repetitive flood insurance claim payments have been made; and

The nomination of Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development.

AVIATION SECURITY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a closed hearing to examine aviation security issues, after receiving testimony from Rear Admiral David Stone, USN, (Ret.), Acting Administrator, Transportation Security Administration, and Clark Kent Ervin, Inspector General, both of the Department of Homeland Security; and Norman J. Rabkin, Managing Director, Homeland Security and Justice, General Accounting Office.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Theodore William Kassinger, of Maryland, to be Deputy Secretary of Commerce; Deborah A.P. Hersman, of Virginia, to be a Member of the National Transportation Safety Board, Department of Transportation, who was introduced by Senator Hollings; Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Product Safety Commission, who was introduced by Senator Breaux; Alan Paul Anderson, of Florida, who was introduced by Senator Nelson (FL) and Representative Mica, and Joseph E. Brennan, of Maine, both to be a Federal Maritime Commissioner; and Jack Edwin McGregor, of Connecticut, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, who was introduced by Representative Shays, after each nominee testified and answered questions in their own behalf.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the implementation of the Energy Employees Occupational Illness Compensation Program Act of 2000, focusing on improvements in processing claims for compensation, after receiving testimony from Senator Grassley; Robert G. Card, Under Secretary of Energy; Shelby Hallmark, Director, Office of Workers' Compensation Programs, Department of Labor; Robert E. Robertson, Director, Education, Workforce, and Income Security Issues, General Accounting Office; and John Howard, Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

NATIONAL HERITAGE AREAS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded an oversight hearing to examine National Heritage Areas, including findings and recommendations of the General Accounting Office, the definition of a National Heritage Area, the definition of national significance as it relates to National Heritage Areas, recommendations for establishing National Heritage Areas as units of the National Park System, recommendations for prioritizing proposed studies and designations, and options for developing a National Heritage Area Program within the National Park Service, after receiving testimony from A. Durand Jones, Deputy Director, National Park Service, Department of the Interior; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; August R. Carlino, Rivers of Steel National Heritage Area/Steel Industry Heritage Corporation, Homestead, Pennsylvania; Edward F. Sanderson, Rhode Island Historical Preservation and Heritage Commission, Providence, on behalf of the National Conference of State Historic Preservation Officers; Lisa Benton-Short, George Washington University Center for Urban Environmental Research, Washington, D.C.; Carol W. LaGrasse, Property Rights Foundation of America, Inc., Stony Creek, New York; and Dennis Frenchman, Massachusetts Institute of Technology Department of Urban Studies and Planning, Cambridge.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Donald Korb, of Ohio, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel, Department of the Treasury.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of John J. Danilovich, of California, to be Ambassador to Brazil, and Craig A. Kelly, of California, to be Ambassador to Chile, after each nominee testified and answered questions in their own behalf.

FINANCIAL LITERACY

Committee on Governmental Affairs: Subcommittee on Financial Management, the Budget, and International Security concluded a hearing to examine the Federal government's role in empowering Americans to make informed financial decisions, focusing on financial education programs that help Americans obtain the knowledge to make informed financial choices throughout their lives, after receiving testimony from Senators Sarbanes, Enzi, and Stabenow;

Brian C. Roseboro, Acting Under Secretary of the Treasury for Domestic Finance; Nina S. Rees, Deputy Under Secretary of Education for Innovation and Improvement; Susan Ferris Wyderko, Director, Office of Investor Education and Assistance, U.S. Securities and Exchange Commission; Don M. Blandin, American Savings Education Council, and Dara Duguay, Jump Start Coalition for Personal Financial Literacy, both of Washington, D.C.; and Robert F. Duvall, National Council on Economic Education, New York, New York.

NOMINATIONS

Committee on Health, Education, Labor, and Pensions: Committee approved for reporting the nominations of Edward R. McPherson, of Texas, to be Under Secretary of Education, Lisa Kruska, of Virginia, to be an Assistant Secretary of Labor, David Wesley Fleming of California, Jay Phillip Greene, of Florida, and John Richard Petrocik, of Missouri, each to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Juanita Alicia Vasquez-Gardner, of Texas, and Patrick Lloyd McCrory, of North Carolina, each to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, and Gerald Lee, of Pennsylvania, and Robert C. Granger, of New Jersey, each to be a Member of the Board of Directors of the National Board for Education Sciences, Department of Education.

INDIAN FOREST MANAGEMENT REPORT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine Inter-Tribal Timber

Council's Indian Forest Management Assessment Team report, focusing on its recommendations providing the Department of the Interior with feedback to improve the delivery and management of forestry services provided to federally recognized tribes and individual Indian owners, after receiving testimony from Aurene M. Martin, Principal Deputy Assistant Secretary of the Interior for Indian Affairs; Nolan C. Colegrove, Sr., Intertribal Timber Council, Portland, Oregon; and John C. Gordon, Interforest, LLC, Branford, Connecticut, on behalf of the Second Indian Forest Management Assessment Team.

INDIAN LAND RESTORATION

Committee on Indian Affairs: Committee concluded a hearing to examine S. 868, to amend the Coos, Lower Umpqua, and Siuslaw Restoration Act to provide for the cultural restoration and economic self-sufficiency of the Confederation Tribes of Coos, Lower Umpqua, and Siuslaw Indians of Oregon, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Cheryl Hoile, Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Coos Bay, Oregon; Peter M. Wakeland, Confederated Tribes of the Grand Ronde, Grand Ronde, Oregon; and Jay Ward, Oregon Natural Resources Council, Portland.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 4056–4076; and; 8 resolutions, H. Con. Res. 401–402, and H. Res. 583–584, 596–589 were introduced. **Pages H1739–40**

Additional Cosponsors: **Page H1740**

Reports Filed: Reports were filed today as follows:

H.R. 3658, to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, amended (H. Rept. 108–453); and

H. Res. 585, providing for the consideration of H. Res. 581, expressing the sense of the House of Representatives regarding rates of compensation for civil-

ian employees and members of the uniformed services of the United States (H. Rept. 108–454).

Pages H1738–39

Speaker: Read a letter from the Speaker wherein he appointed Representative Chocola to act as Speaker Pro Tempore for today. **Page H1645**

Recess: The House recessed at 9:33 a.m. and reconvened at 10 a.m. **Page H1649**

Journal: The House agreed to the Speaker's approval of the Journal of Monday, March 29 by a yeas-and-nays vote of 353 yeas to 55 nays with one voting "present", Roll No. 96. **Pages H1659–60**

Budget Resolution for FY 2005—Order of Business: The House agreed to insist on its amendment

to S. Con. Res. 95, concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and requested a conference.

Pages H1651–61

Rejected the Thompson of California motion to instruct conferees on the concurrent resolution to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate by a yea-and-nay vote of 209 yeas to 209 nays, Roll No. 97.

Pages H1660–61

Appointed as conferees: Representatives Nussle, Portman, and Spratt.

Page H1661

Suspensions: The House agreed to suspend the rules and pass the following measures:

Welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to NATO: H. Res. 558, amended, welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO), by a 2/3 yea-and-nay vote of 422 yeas to 2 nays, Roll No. 99;

Pages H1661–66, H1701

Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006: H.R. 3036, amended, to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006;

Pages H1666–83

Reauthorizing the Temporary Assistance for Needy Families program through June 30, 2004: S. 2231, to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004;

Pages H1683–86

Reauthorizing certain school lunch and child nutrition programs through June 30, 2004: S. 2241, to reauthorize certain school lunch and child nutrition programs through June 30, 2004;

Pages H1686–88

Reimbursement for certain expenses incurred by members of the U.S. Armed Forces under the Central Command Rest and Recuperation Leave Program: S. 2057, to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel, by a 2/3 yea and nay vote of 423 yeas with none voting “nay”, Roll No. 100;

Pages H1688–90, H1701–02

Establishing campaign medals to be awarded to members of the Armed Forces who participate in

Operation Enduring Freedom or Operation Iraqi Freedom: H.R. 3104, amended, to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom, by a 2/3 yea and nay vote of 423 yeas with none voting “nay”, Roll No. 102; and

Pages H1690–93, H1712

Agreed to amend the title so as to read: to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom. **Page H1712**

Congratulating the U.S. Air Force Academy on its 50th Anniversary: H. Con. Res. 386, congratulating the United States Air Force Academy on its 50th Anniversary and recognizing its contributions to the Nation, by a 2/3 yea and nay vote of 420 yeas with none voting “nay”, Roll No. 103.

Pages H1693–95, H1712–13

ROTC and Military Recruiter Equal Access to Campus Act of 2004: The House passed H.R. 3966, to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer, by a recorded vote of 343 yeas to 81 noes, Roll No. 101.

Pages H1695–H1712

The amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill was considered as adopted.

Page H1712

Rejected the Abercrombie motion to recommit the bill to the Committee on Armed Services with instructions by a voice vote.

Pages H1710–11

Agreed to amend the title so as to read: to amend title 10, United States Code, to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.

Pages H1711–12

H. Res. 580, the rule providing for consideration of the bill was agreed to by a voice vote, after agreeing to order the previous question by a yea and nay vote of 223 yeas to 202 nays, Roll No. 98.

Pages H1700–01

Transportation Equity Act: A Legacy for Users—Order of Business: Agreed that it be in order at any time for the Speaker to declare the House in the Committee of the Whole House on the state of the Union for consideration of H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and that consideration of the bill proceed according to the following order: the first reading of the bill is dispensed with; all points of order against consideration of the bill are waived; general debate shall not exceed two hours and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure (including a final period of ten minutes to follow consideration of the bill for amendment) and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; after the initial period of general debate, the Committee of the Whole shall rise without motion; and no further consideration of H.R. 3550 shall be in order except pursuant to a subsequent order of the House.

Page H1713

Quorum Calls—Votes: Seven yea and nay votes and one recorded vote developed during the proceedings today and appear on pages H1659–60, H1660–61, H1700–01, H1701–02, H1701, H1711, H1712 and H1712–13. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:20 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee Commerce, Justice, State, Judiciary and Related Agencies held a hearing on NOAA. Testimony was heard from Conrad C. Lautenbacher, Jr., Under Secretary and NOAA Administrator, Department of Commerce.

The Subcommittee also continued appropriation hearings. Testimony was heard from Members of Congress.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on U.S. Air Force. Testimony was heard from James G. Roche, Secretary of the Air Force.

The Subcommittee also met in executive session to hold a hearing on U.S. Air Force Acquisition. Testimony was heard from Gen. John P. Jumper, USAF, Chief of Staff, Department of the Air Force.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Science and Technology. Testimony was heard from Charles McQueary, Under Secretary, Science and Technology, Department of Homeland Security.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

NAVY FORCE STRUCTURE AND SHIP CONSTRUCTION

Committee on Armed Services: Subcommittee on Projection Forces held a hearing on Navy Force Structure and Ship Construction. Testimony was heard from the following officials of the Department of the Navy: John J. Young, Assistant Secretary (Research, Development and Acquisition); VADM John B. Nathman, USN, Deputy Chief of Naval Operations (N–7) (Warfare Requirements and Programs); and VADM James C. Dawson, Jr., USN, Deputy Chief of Naval Operations (N–8) (Resources, Requirements and Assessments); Ronald O'Rourke, Specialist in National Defense, Congressional Research Service, Library of Congress; and a public witness.

LOGISTICS: LESSONS FROM OPERATION IRAQI FREEDOM

Committee on Armed Services: Subcommittee on Readiness held a hearing on Logistics: Lessons from OPERATION IRAQI FREEDOM and Logistics Transformation. Testimony was heard from the following officials of the Department of Defense: MG Robert T. Dail, USA, Director, Operations, TCJ3, United States Transportation Command; VADM Keith W. Lippert, USN, Director, Defense Logistics Agency; LTG Claude V. Christianson, USA, Deputy Chief of Staff, G4, Department of the Army; and BG Edward G. Usher III, USMC, Assistant Commandant for Installation and Logistics, U.S. Marine Corps.

SUBPRIME LENDING

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Opportunity held a joint hearing entitled "Subprime Lending: Defining the Market and Its Customers." Testimony was heard from public witnesses.

“A SYSTEM RUED: INSPECTING FOOD”

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held a hearing entitled “A System Rued: Inspecting Food.” Testimony was heard from Lawrence J. Dyckman, Director, National Resources and Environment, GAO; the following officials of the USDA: Robert E. Brackett, Director, Center for Food Safety and Applied Nutrition, FDA; and Merle Pierson, Deputy Under Secretary, Food Safety; Dan Glickman, former Secretary of Agriculture; and a public witness.

DRUG ADDICTION TREATMENT EFFECTIVENESS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled “Measuring the Effectiveness of Drug Addiction Treatment.” Testimony was heard from the following officials of the Department of Health and Human Services: Charles Currie, Administrator, Substance Abuse and Mental Health Services Administration; and Nora D. Volkow, M.D., Director, National Institute on Drug Abuse, NIH; and public witnesses.

IMPACT OF HEALTH PROTECTION PROGRAMS ON GUARD AND RESERVE UNITS

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled “Does the ‘Total Force’ Add Up? The Impact of Health Protection Programs on Guard and Reserve Units.” Testimony was heard from the following officials of the Department of Defense: William Winkenwerder, M.D., Assistant Secretary, Health Affairs; LTG James B. Peake, M.D., The Surgeon General, U.S. Army; Specialist John A. Ramsey, 32nd Army Air Missile Defense Command, Florida National Guard; Specialist First Class Scott Emde, 20th Special Forces Group, B Company, 3rd Battalion, Virginia National Guard; and Specialist Timothy McMichael, U.S. Army Reserves, Medical Hold Unit, Fort Knox, Kentucky.

NATION’S CRITICAL INFRASTRUCTURE SECURITY

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled “Telecommunication and SCADA: Secure Links or Open Portals to the Security of the Nation’s Critical Infrastructure.” Testimony was heard from Robert F. Dacey, Director, Information Security Issues, GAO; James McDonald, Director, Protective Security Division, Department of Homeland Security; and public witnesses.

ADMINISTRATION AND NONPROLIFERATION

Committee on International Relations: Held a hearing on the Bush Administration and Nonproliferation: A New Strategy Emerges. Testimony was heard from John R. Bolton, Under Secretary, Arms Control and International Security, Department of State; and public witnesses.

OVERSIGHT—DEFENSE OF MARRIAGE ACT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on The Defense of Marriage Act. Testimony was heard from John Hanes, Chairman, Senate Judiciary Committee, State of Wyoming; Bob Barr, former Representative, State of Georgia; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action, as amended, the following bills: S. 1301, Video Voyeurism Prevention Act of 2004; H.R. 1678, Anti-Hoax Terrorism Act of 2004; H.R. 1731, Identity Theft Penalty Enhancement Act; and H.R. 3866, Anabolic Steroid Control Act of 2004.

The Subcommittee also held a hearing on S. 1743, Private Security Officer Employment Authorization Act of 2003. Testimony was heard from Michael Kirkpatrick, Assistant Director, Criminal Justice Information Services Division, FBI, Department of Justice; Jeanine Pirro, District Attorney, Westchester County, State of New York; and public witnesses.

ABANDONED MINE RECLAMATION

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on the following bills: H.R. 3796, Abandoned Mine Lands Reclamation Reform Act of 2004; and H.R. 3778, Abandoned Mine Reclamation Program Extension and Reform Act of 2004. Testimony was heard from Jeff Jarrett, Director, Office of Surface Mining, Department of the Interior; J. Steven Roberts, Deputy Secretary, Office of Mineral Resources Management, Department of Environmental Protection, State of Pennsylvania; John A. Masterson, Counsel to the Governor, State of Wyoming; Stephen Hohmann, Director, Division of Abandoned Mine Lands, Department for Natural Resources, State of Kentucky; William Michael Sharpe, Assistant Director, AML Program, Conservation Commission, State of Oklahoma; and public witnesses.

PAY PARITY FOR FEDERAL EMPLOYEES

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate on H. Res. 581, Expressing the sense of the House of Representatives

regarding rates of compensation for civilian employees and members of the uniformed services of the United States, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule provides one motion to recommit which may not contain instructions. Testimony was heard from Chairman Davis and Representative Wolf.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Committee on Rules: Heard testimony from Chairman Young of Alaska and Representatives Petri, Gilchrest, Quinn, Ehlers, Bachus, LaTourette, LoBiondo, Bereuter, Isakson, Graves, Kennedy of Minnesota, Chocoma, Gerlach, Tancredo, Vitter, Flake, Kirk, Bradley of New Hampshire, Oberstar, Lipinski, Menendez, Eddie Bernice Johnson of Texas, Millender-McDonald, Blumenauer, Baird, Carson of Indiana, Davis of Tennessee, Waters, Jackson-Lee of Texas, Turner of Texas, Holt, Lynch and Schiff, but action was deferred on H.R. 3550, Transportation Equity Act: A Legacy for Users.

CONGRESSIONAL MEDAL FOR OUTSTANDING CONTRIBUTIONS IN MATH AND SCIENCE EDUCATION ACT

Committee on Science: Subcommittee on Research approved for full Committee action, as amended, H.R. 4030, Congressional Medal for Outstanding Contributions in Math and Science Education Act.

Prior to this action, the Subcommittee held a hearing on this measure. Testimony was heard from Judith Ramaley, Assistant Director, Education and Human Resources Directorate, NSF; and public witnesses.

OVERSIGHT—INCONSISTENT REGULATION OF WETLANDS AND OTHER WATERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Inconsistent Regulation of Wetlands and Other Waters. Testimony was heard from Representative Ose; John Paul Woodley, Jr., Assistant Secretary (Civil Works), Department of the Army; Benjamin H. Grumbles, Acting Assistant Administrator, Water, EPA; and public witnesses.

DVA—PROVIDING CERTAIN VETERANS WITH PRESCRIPTION-ONLY HEALTH CARE BENEFIT

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the Department of Veterans Affairs providing certain veterans with a prescription-only health care benefit. Testimony was heard from the following officials of the Department of Veterans Affairs: Jonathan B. Perlin, M.D., Dep-

uty Under Secretary, Health; Michael A. Valentino, Chief Consultant, Pharmacy Benefits Management; and Barbara J. Manning, Program Analyst, Policy and Forecasting Service; representatives of veterans organizations; and a public witness.

TAX RETURN FILING SEASON AND IRS BUDGET FOR FISCAL YEAR 2005

Committee on Ways and Means: Subcommittee on Oversight held a hearing on 2004 Tax Return Filing Season and the IRS Budget for Fiscal Year 2005. Testimony was heard from the following officials of the Department of the Treasury: Mark Everson, Commissioner, IRS; and Nancy Killefer, Chair, IRS Oversight Board; James R. White, Director, Tax Issues, GAO; and public witnesses.

COUNTERTERRORISM BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Counterterrorism Budget. Testimony was heard from departmental witnesses.

NUCLEAR, BIOLOGICAL, CHEMICAL, RADIOLOGICAL THREATS TO THE HOMELAND

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to hold a hearing on Nuclear, Biological, Chemical, Radiological Threats to the Homeland. Testimony was heard from departmental witnesses.

HOMELAND CYBERSECURITY AND DHS ENTERPRISE ARCHITECTURE BUDGET

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science and Research and Development held a hearing entitled "Homeland Cybersecurity and DHS Enterprise Architecture Budget Hearing for Fiscal Year 2005." Testimony was heard from the following officials of the Department of Homeland Security: Robert Liscouski, Assistant Secretary, Infrastructure Protection; and Steven Cooper, Chief, Information Officer.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 31, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Energy's Office of Environmental Management, Office of Civilian Radioactive Waste Management, and Office of Environment, Safety and Health, 10 a.m., SD-138.

Subcommittee on Defense, to hold a closed hearing to examine proposed budget estimates for fiscal year 2005 for intelligence and world wide threat assessment, 10 a.m., S-407, Capitol.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Senate Sergeant at Arms and the United States Capitol Police, 2 p.m., SD-138.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine the Defense authorization request for fiscal year 2005, focusing on active and Reserve military and civilian personnel programs, 9:30 a.m., SR-232A.

Full Committee, to hold a closed briefing on the acquisition of the Boeing KC-767A tanker aircraft, 4 p.m., SR-222.

Committee on Banking, Housing, and Urban Affairs: to resume hearings to examine the current investigations and regulatory actions regarding the mutual fund industry focusing on soft-dollar practices, 10 a.m., SD-538.

Full Committee, to continue hearings to examine the current investigations and regulatory actions regarding the mutual fund industry focusing on fund costs and distribution practices, 2:30 p.m., SD-538.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Stephen L. Johnson, of Maryland, to be Deputy Administrator of the Environmental Protection Agency, Ann R. Klee, of Virginia, to be an Assistant Administrator, Charles Johnson, of Utah, to be Chief Financial Officer, Benjamin Grumbles, of Virginia, to be an Assistant Administrator, all of the Environmental Protection Agency, and Gary Lee Visscher, of Maryland, to be a Member of the Chemical Safety and Hazard Investigation Board, 9:30 a.m., SD-406.

Subcommittee on Transportation and Infrastructure, to hold hearings to examine the role of the U.S. Army Corps of Engineers in meeting the nation's water resource needs in the 21st century, 1:30 p.m., SD-406.

Committee on Foreign Relations: to hold hearings to examine the nomination of Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation, Department of State, 9:30 a.m., SD-419.

Subcommittee on European Affairs, to hold hearings to examine the effects of the Madrid Terrorist Attacks on U.S. European cooperation in the war on terrorism, 2:30 p.m., SD-106.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 2:30 p.m., SH-219.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, on FCC, 10 a.m., and on SEC, 2 p.m., H-309 Capitol.

Subcommittee on Defense, executive, on Missile Defense, 10 a.m., H-140 Capitol.

Subcommittee on Energy and Water Development, on Contributions of the Army Corps of Engineers in the Restoration of Iraq and Afghanistan, 9:30 a.m., 2362B Rayburn.

Subcommittee on Homeland Security, on U.S. Coast Guard, 10 a.m., 2360 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Centers for Disease Control and Prevention, 10:15 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Pacific Command, 1:30 p.m., B-300 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on Department of Veterans Affairs, 10 a.m., and 1 p.m., 2359 Rayburn.

Committee on Armed Services, hearing on the Fiscal Year 2005 National Defense Authorization budget request of the Department of Defense, 10 a.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Fiscal Year 2005 National Defense Authorization budget request—Department of Defense's Business Transformation Efforts, 1:30 p.m., 2118 Rayburn.

Subcommittee on Total Force, hearing on the Fiscal Year 2005 National Defense Authorization budget request on Reserve Component Transformation and Relieving the Stress on the Reserve Component, 1 p.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled "U.S.-China Trade: Preparations for the Joint Commission on Commerce and Trade, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "A Review to Assess Progress with the Bureau of Customs and Border Protection's Targeting Program for Sea Cargo," 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "Working with State Regulators to Increase Insurance Choices for Consumers," 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled "10 Years of GPRA—Results, Demonstrated," 2 p.m., 2247 Rayburn.

Committee on International Relations, to mark up the following: H.R. 3978, Designation of Foreign Terrorist Organizations Reform Act; H.R. 4011, North Korea Human Rights Act of 2004; H.R. 2760, Resolution of the Ethiopia-Eritrea Border Dispute Act of 2003; the Peace Crops Safety and Security Act of 2004; the Assistance for Orphaned and Vulnerable Children in Developing Countries Act of 2004; the United States International Leadership Act of 2003; H. Res. 402, Expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic; H. Res. 535, Expressing the concern and support of the House of Representatives for local elected officials under threat of assassination, kidnapping, forcible displacement, and coercion by terrorist organizations in the Republic of Colombia; H. Res. 563, Expressing the sense of the House of Representatives regarding the one-year anniversary of the human rights crackdown in Cuba; H. Res.

576, Urging the Government of the People's Republic of China to improve its protection of intellectual property rights; H. Con. Res. 326, Expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release; H. Con. Res. 336, Expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy; H. Con. Res. 352, Recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world; H. Con. Res. 378, Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly; and a resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons, 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe, hearing on Belarus and Its Future: Democracy or Soviet-Style Dictatorship? 1:30 p.m., 2200 Rayburn.

Committee on the Judiciary, to mark up H.R. 3866, Anabolic Steroid Control Act of 2004, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, oversight hearing on the Legal Services Corporation: Inquiry into the Activities of the California Rural Legal As-

sistance Program and Testimony Relating to the Merits of Client Co-Pay, 1 p.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, to mark up the following: the Piracy Deterrence and Education Act of 2004; H.R. 3632, Anti-Counterfeiting Amendments of 2003; H.R. 3754, Fraudulent Online Sanctions Act; and the Authorization Satellite Home Viewer Extension Act, 4 p.m., 2141 Rayburn.

Committee on Resources, oversight hearing on the Federal recognition and acknowledgment process by the Bureau of Indian Affairs, 10 a.m., 1324 Longworth.

Committee on Science, to mark up the following measures: H.R. 3980, National Windstorm Impact Reduction Act of 2004; H.R. 3970, Green Chemistry Research and Development Act of 2004; and H.R. 4030, Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on the Status of Railroad Economic Regulation, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on current Department of Veterans Affairs employment practices with regard to procedures for background checks and credentialing, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Iraq Weapons of Mass Destruction Update, 9 a.m., and executive, hearing on Counterintelligence Budget, 2 p.m., H-405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, March 31

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 31

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will consider the House Message to accompany S. Con. Res. 95, Congressional Budget Resolution; following which, Senate will continue consideration of H.R. 4, Welfare Reform Reauthorization.

House Chamber

Program for Wednesday: Consideration of H. Res. 581, Expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States.

Begin consideration of H.R. 3550, Transportation Equity Act: A Legacy for Users (unanimous consent agreement, two hours and 40 minutes of debate).

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