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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 21, 2004.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. Woodrow Hudson, Chaplain, Georgia Department of Corrections, Atlanta, Georgia, offered the following prayer:

Gracious and merciful God, as we gather in this hallowed hall with the Members of the House of Representatives, we thank You for the great heritage of this body. May our interactions with others bring hope and courage. May our times together teach us patience and perseverance. May our session together be a time of learning and growth with productive results.

O God, protect us from knowledge that has no benefit. Protect us from a heart that is not humble. Protect us from a soul that is never satisfied. And protect us from a prayer that is never answered.

Help us to remember You, to reverence You, to obey You, to humble ourselves before You, to turn toward You in repentance.

Bless, O Lord, these women and men who are defending our country and our freedoms in these days of war.

We ask these things in the name of our Saviour. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COLLINS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1274. An act, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

IN RECOGNITION OF THE REVEREND WOODROW HUDSON

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

Mr. COLLINS. Mr. Speaker, I rise today to salute the Reverend Woodrow Hudson, who gave this morning's opening prayer. Reverend Hudson is the Director of Chaplaincy Services for the Georgia Department of Corrections. He leads 118 field chaplains and approximately 4,000 certified prison volunteers in 39 of our State prisons, six transitional centers, six probation detention centers, and three private prisons in the State of Georgia.

In the Reverend's Chaplaincy Services section are the Prison Volunteers and the Reentry Aftercare Partnership. These volunteers offer and provide spiritual guidance to over 50,000 inmates in all of Georgia's correctional institutions. The Reentry Aftercare Partnership works with churches to provide guidance to inmates returning to their communities.

Before Reverend Hudson became Director of Chaplaincy Services in Georgia, he was a pastor for 32 years in churches in Mississippi and Georgia. He was active in many community organizations in each community where he served as pastor. Reverend Hudson resides in Carollton, Georgia, with his wife, Betty, and we welcome his wife in the gallery. They have been married for 45 years and have three children. And, Mr. Speaker, one of his daughters serves this Nation as an officer in the Secret Service.

Mr. Speaker, as a Member of Congress, I ask my colleagues to please join me in welcoming Reverend Woodrow Hudson, Jr., for his outstanding service to Georgia and for his outstanding opening prayer this morning.

NATIONAL DAY OF SILENCE

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

Mr. FARR. Mr. Speaker, I rise today to provide a voice to those who too

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often are silenced: the gay, lesbian, bisexual or transgender students who face verbal, nonverbal, and physical harassment in our schools.

Today is the National Day of Silence across this country. Students have taken a vow of silence to protest the discrimination and intolerance that gay, lesbian, bisexual, and transgender students face on a daily basis.

In my district I am especially proud of Safe Schools Project of Santa Cruz County, which is coordinated by Santa Cruz County High School senior Nikira Hernandez. This program focuses on making K-through-12 schools in Santa Cruz County a safe place for all youth regardless of their sexual orientation or gender identity.

Considering our country's commitment to equality and liberty, it is disturbing that anyone is subjected to harassment and discrimination based on their sexual orientation or gender identity. We must work to protect our youth from violence and hatred while fostering a positive academic environment free of derogatory statements, taunts, and slurs.

For that reason I am proud to cosponsor H. Con. Res. 86, which memorializes the National Day of Silence.

TAX RELIEF

(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, last week millions of Americans got a surprise when they filed their tax returns. This year a record 44 million tax returns, one-third of all returns filed, have no income tax liability because of the available credits and deductions in the Tax Code. This is a 50 percent increase in the number of zero-tax filers in just 4 years. The vast majority of these 44 million filers are from low-income households who saw their tax liability disappear thanks to the tax cuts pushed by President Bush and this House.

The expansion of the 10 percent bracket, the increased child tax credit, and the marriage penalty relief are the leading reasons that so many people were able to have zero liability. All these tax provisions are in jeopardy if Congress does not act to extend them by the end of this year.

These are not tax cuts for the rich. They are tax provisions designed to help working men and women bring home more of their paychecks. In fact, 75 percent of the 44 million will earn less than $20,000 per year, and 97 percent will earn less than $40,000 per year.

Congress needs to extend these provisions and continue giving tax relief to working America.

THE GREAT LAKES

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

Mr. EMANUEL. Mr. Speaker, Lake Michigan and the other Great Lakes are the largest body of freshwater in North America. They contain literally 20 percent of the entire world's freshwater. Twenty-eight million Americans get their daily drinking water from Lake Michigan and the other Great Lakes, and yet we treat it as just an overgrown pond. Today it is being polluted with invasive species, urban runoff, and mercury hot spots.

We have a bipartisan bill endorsed by every Governor, every Senator from the Great Lakes, and 108 Members out of 125 from the Great Lakes region to clean up the Great Lakes, dedicate $4 billion over 5 years, just like we are investing in Iraq's water and sewage system, here in the United States to preserve the largest body of freshwater in all of North America.

This issue is not an issue of left versus right. It is an issue of right versus wrong. And it is time to make our investments in our future and our environmental quality and water quality in what is truly a great national heritage, our Great Lakes.

SENATOR KERRY'S ECONOMIC PLAN WOULD HARM OUR ECONOMY

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

Mr. PITTS. Mr. Speaker, the Democrat candidate for President has promised to create 10 million jobs if elected, but a recent economic analysis of his plan by the Heritage Foundation says he is wrong and showed four negative effects of his scheme. First, employment growth slows under his plan with 225,000 fewer jobs created per year under his policy, in contrast to the fact that in the first quarter of this year, 513,000 new jobs have been created.

Secondly, GDP growth slows for the next decade, underperforming by $20 billion in just the first 5 years.

Third, after-tax income shrinks. And this makes sense. Taxes go up, take-home pay goes down. And under the Democrat plan, take-home pay plummets $240 billion below current projections.

And, lastly, savings plummet. The personal savings rate would average 17 percent less during just the first year of his administration.

Each of these items would reverse trends started by President Bush's economic recovery program, a plan that is working.

In the end his tax-and-spend, rob-the-rich-to-pay-the-government economic scheme will do more harm than good.

URGING APOLOGY FROM THE PRESIDENT

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not think anything can negate the fact that this President has lost more jobs, 3 million jobs, than any President in our history.

But, Mr. Speaker, I stand today to offer a word of condolence, but also to pay tribute to those who have lost their lives in Iraq, the men and women of the United States military, innocent citizens, and to challenge the President, as the 9/11 Commission families have challenged him, to apologize to the American people for misdirecting men and women of the military, now reservists and National Guard, young men and women, into a war that one wonders whether it matters, into a war where there was not the kind of equipment that those soldiers needed, reinforced Humvees and other equipment, flak jackets that they needed.

I am here to apologize and ask the President that he provide the necessary resources for these troops so that lives will not continue to be lost, so that mothers and fathers, wives and relatives will not have to continue to mourn. It is a tragedy the policy that we have seen in this United States, a policy of reckless direction of men and women in war, bloodshed unnecessary.

Mr. President and the administration, Mr. Vice President, we need a plan, and you need to offer it to the American people now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to address their remarks to the Chair and not to the President.

IN PRAISE OF ''NATURALAWN,'' A BUSINESS IN FREDERICK, MARYLAND

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

Mr. BARTLETT of Maryland. Mr. Speaker, this Earth Day I want to recognize a company from my district that is making a product people want and is beneficial for the environment.

NaturaLawn is a business located in downtown Frederick, Maryland. Starting small in 1987, they have grown to become the fourth largest lawn care service provider in the United States, generating in excess of $24 million.

NaturaLawn identified a product that would have popular appeal, an organic-based fertilization program that uses naturally based ingredients as opposed to traditional chemical fertilizers. This product is environmentally friendly and provides a desired product. The company has created many franchises across the Nation.

All of these great things were done privately in our free enterprise system of Congress. No governmental regulations or mandates caused this business

to exist, simply good sense, hard work, and a desire to create products for people who want to purchase environmentally friendly services for their lives.

Congratulations to this innovative company for its success in helping create jobs and protect the environment through private enterprise.

HERITAGE CLASSIC OF GOLF TOURNAMENT

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

Mr. WILSON of South Carolina. Mr. Speaker, last weekend I had the privilege of joining thousands of visitors from across the world in celebrating the MCI Heritage Classic of Golf Tournament held on Hilton Head Island, South Carolina.

The Heritage has a rich history, with the first tournament won by Arnold Palmer in 1969. This year's champion is Stewart Cink, who won in dramatic fashion on the fifth playoff round with Ted Purdy.

Yet the more important story of this popular Lowcountry event is the work of the Heritage Golf Classic Foundation. This nonprofit organization operates the tournament every year while generating over $50 million for the South Carolina and Georgia hospitality industry. The Heritage Golf Classic Foundation also distributed a record $1.2 million to charities in 2003, including such areas as education to public health.

Heartfelt congratulations are due Heritage Classic Foundation Chairman Joe Fraser, Vice President Ed Dowaschinski, Secretary John Curry, and Tournament Director Steve Wilmot for yet another successful tournament hosted by the Sea Pines Resort led by President Michael Lawrence.

In conclusion, may God bless our troops, and we will never forget September 11.

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PRIORITIZE SPENDING AND REDUCE BURDEN ON OUR CHILDREN

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

Mr. SMITH of Michigan. Mr. Speaker, we are now in the process of deciding how much money we are going to spend. The budget is being finally decided, and then the appropriations process makes the decision, where money is spent and how big should government be.

Tom Savings, an actuary with both Medicare and Social Security, came to my office a couple of weeks ago. This is what he said where our promises exceed our ability to pay for it, unfunded liabilities: Medicare part A, $21 trillion; Medicare part B, $23 trillion; Medicare part D, the new drug bill, $16.6 trillion; Social Security, $12 trillion.

At this time, I just call on all my colleagues to be tight-fisted. Let us start prioritizing spending and reduce the tremendous burden we are placing on our kids and our grandkids.

LAMENTING BASRA ATTACKS

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

Mr. Speaker, we are challenged to mourn with those who mourn and grieve with those who grieve. As I rose this morning to learn that suicide bombers had killed at least 68 people, many of them small children en route to school, in coordinated strikes on four police stations in the southern Iraqi city of Basra, I grieved and I mourned.

Scarcely 1 month ago, I walked the streets of Basra as a part of the first congressional delegation to visit that ancient city. Although Basra is the second largest city in Iraq, it has been relatively peaceful and secure since coalition forces liberated it from 30 years of tyranny of Saddam Hussein.

Our prayers go out to the families affected by today's horrific bombings and to our British allies charged with their security. Today's attacks on Iraqi men, women, and especially children, in the city of Basra, shows the utter depravity of our enemies and the enemies of freedom in Iraq.

The good people of Basra, with whom I spent the day 27 February, 2004, deserve better. They are freedom-loving and decent people, and we and our allies will not waver in our commitment to deliver it to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2004

Mr. GINGREY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3970) to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3970

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 ''Green Chemistry Research and Development Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''green chemistry'' means chemistry and chemical engineering to design chemical products and processes that reduce or eliminate the use or generation of hazardous substances;

(2) the term ''Interagency Working Group'' means the interagency working group established under section 3(c); and

(3) the term ''Program'' means the Green Chemistry Research and Development Program described in section 3.

SEC. 3. GREEN CHEMISTRY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall establish a Green Chemistry Research and Development Program to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for green chemistry research, development, demonstration, education, and technology transfer through—

(A) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) green chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories; and

(D) to the extent practicable, encouragement of consideration of green chemistry in—

(i) the conduct of Federal chemical science and engineering research and development; and

(ii) the solicitation and evaluation of all proposals for chemical science and engineering research and development;

(2) examine methods by which the Federal Government can create incentives for consideration and use of green chemistry processes and products;

(3) facilitate the adoption of green chemistry innovations;

(4) expand education and training of undergraduate and graduate students, and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering;

(5) collect and disseminate information on green chemistry research, development, and technology transfer, including information on—

(A) incentives and impediments to development and commercialization;

(B) accomplishments;

(C) best practices; and

(D) costs and benefits;

(6) provide venues for outreach and dissemination of green chemistry advances such as symposia, forums, conferences, and written materials in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(7) support economic, legal, and other appropriate social science research to identify barriers to commercialization and methods to advance commercialization of green chemistry; and

(8) provide for public input and outreach to be integrated into the Program by the convening of public discussions, through mechanisms such as citizen panels, consensus conferences, and educational events, as appropriate.

(c) INTERAGENCY WORKING GROUP.—The President shall establish an Interagency Working Group, which shall include representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, the Environmental Protection Agency, and any other agency that the President may designate. The Director of the National Science Foundation and the Assistant Administrator for Research and Development of the Environmental Protection Agency shall serve as co-chairs of the Interagency Working Group. The Interagency Working Group shall oversee the planning, management, and coordination of the Program. The Interagency Working Group shall—

(1) establish goals and priorities for the Program, to the extent practicable in consultation with green chemistry researchers and potential end-users of green chemistry products and processes; and

(2) provide for interagency coordination, including budget coordination, of activities under the Program.

(d) AGENCY BUDGET REQUESTS.—Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget which identifies its activities that contribute directly to the Program and states the portion of its request for appropriations that is allocated to those activities. The President shall include in his annual budget request to Congress a statement of the portion of each agency's or department's annual budget request allocated to its activities undertaken pursuant to the Program.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Interagency Working Group shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. This report shall include—

(1) a summary of federally funded green chemistry research, development, demonstration, education, and technology transfer activities, including the green chemistry budget for each of these activities; and

(2) an analysis of the progress made toward achieving the goals and priorities for the Program, and recommendations for future program activities.

SEC. 4. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking ''By January 30, 1982, and biennially thereafter'' and inserting ''By January 30 of each odd-numbered year''.

SEC. 5. MANUFACTURING EXTENSION CENTER GREEN SUPPLIERS NETWORK GRANT PROGRAM.

Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the enabling of supply chain manufacturers to continuously improve products and processes, increase energy efficiency, identify cost-saving opportunities, and optimize resources and technologies with the aim of reducing or eliminating the use or generation of hazardous substances.''.

SEC. 6. UNDERGRADUATE EDUCATION IN CHEMISTRY AND CHEMICAL ENGINEERING.

(a) PROGRAM AUTHORIZED.—(1) As part of the Program activities under section 3(b)(4), the Director of the National Science Foundation shall carry out a program to award grants to institutions of higher education to support efforts by such institutions to revise their undergraduate curriculum in chemistry and chemical engineering to incorporate green chemistry concepts and strategies.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost sharing in cash from non-Federal sources, to match the Federal funding.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricular revisions to the courses of study offered by the applicant in chemistry and chemical engineering; and

(B) a description of the source and amount of cost sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1), the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curriculum changes in accordance with subsection (a)(1); and

(B) the amount of cost sharing to be provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 8, from sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this section $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007.

SEC. 7. STUDY ON COMMERCIALIZATION OF GREEN CHEMISTRY.

(a) STUDY.—The Director of the National Science Foundation shall enter into an arrangement with the National Research Council to conduct a study of the factors that constitute barriers to the successful commercial application of promising results from green chemistry research and development.

(b) CONTENTS.—The study shall—

(1) examine successful and unsuccessful attempts at commercialization of green chemistry in the United States and abroad; and

(2) recommend research areas and priorities and public policy options that would help to overcome identified barriers to commercialization.

(c) REPORT.—The Director shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings and recommendations of the study within 18 months after the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—(1) From sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(A) $7,000,000 for fiscal year 2005;

(B) $7,500,000 for fiscal year 2006; and

(C) $8,000,000 for fiscal year 2007.

(2) The sums authorized by paragraph (1) are in addition to any funds the National Science Foundation is spending on green chemistry through its ongoing chemistry and chemical engineering programs.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $5,000,000 for fiscal year 2005;

(2) $5,500,000 for fiscal year 2006; and

(3) $6,000,000 for fiscal year 2007.

(c) DEPARTMENT OF ENERGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Department of Energy for carrying out this Act—

(1) $7,000,000 for fiscal year 2005;

(2) $7,500,000 for fiscal year 2006; and

(3) $8,000,000 for fiscal year 2007.

(d) ENVIRONMENTAL PROTECTION AGENCY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—

(1) $7,000,000 for fiscal year 2005;

(2) $7,500,000 for fiscal year 2006; and

(3) $8,000,000 for fiscal year 2007.

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

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

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3970.

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

There was no objection.

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

Mr. Speaker, first let me thank the gentleman from New York (Chairman BOEHLERT); the ranking member, the gentleman from Tennessee (Mr. GORDON); the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON); the gentleman from Michigan (Mr. EHLERS), and all of my Committee on Science colleagues for their hard work in bringing this important bipartisan piece of legislation through committee and before the House floor today.

In particular, I would like to thank the ranking member, the gentleman from Tennessee (Mr. GORDON) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and their staffs for continuing to work with us on this legislation.

The resulting manager's amendment is truly a bipartisan bill. Defined as the design of chemical products and processes that reduce or eliminate the use or generation of hazardous substances, green chemistry represents an emerging field with much promise.

As a chemistry major trained in traditional chemistry at the Georgia Institute of Technology, I am very excited about the potential environmental, economic and human health benefits of green chemistry. Preventing pollution and waste in the first place is

often cheaper than mitigating and cleaning it up later, and the development of new products and processes will help spur economic growth.

Currently, many chemical processes are conducted at extreme temperature and/or pressure, two conditions that present a risk for workers. Also, many chemical processes involve toxic substances. Green chemistry aims to design processes that can be conducted at or near room temperature and pressure and that actually use benign materials. Both of these steps improve working conditions for employees. Yet, despite all of the promises of green chemistry, the Federal Government invests very little in this area.

H.R. 3970, the Green Chemistry Research and Development Act, will establish a research and development program to promote and coordinate Federal green chemistry research, development, demonstration, education and technology transfer activities within the National Science Foundation, the Environmental Protection Agency, the National Institute of Standards and Technology, and the Department of Energy.

This legislation provides modest and prudent focus in an area that, frankly, deserves greater Federal attention. The program will support research and development grants, including grants for university, industry, and nonprofit partnerships. It will support green chemistry research at Federal labs, promote education through curricula development and fellowships, and collect and disseminate information about green chemistry.

H.R. 3970 is fiscally prudent in these times of budgetary constraints by obtaining funding for this program from sums already authorized to be appropriated at the four agencies I mentioned, and it does not authorize the expenditure of any new money.

Traditional chemical companies, pharmaceutical companies, carpet and rug manufacturers and biotechnology corporations, all who we have heard from in committee hearings, have endorsed H.R. 3970, showing a broad range of support for the merits of this legislation. They all realize that the advancement of green chemistry is positive for their industries, the environment, the economy as a whole, and all of our Nation's citizens.

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

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

Mr. Speaker, first of all, let me thank the gentleman from Georgia (Mr. GINGREY) for putting this issue on the table. I also would like to thank the gentleman from New York (Chairman BOEHLERT) for working with us to incorporate some of our suggestions into the manager's amendment.

The legislation now includes a grant program to encourage universities to incorporate green chemistry into undergraduate curricula in chemistry and chemical engineering. The curriculum changes encouraged through this program will assure that students are familiar with green chemistry and ready to enter the workforce with skills in pollution prevention and green design. The explicit authorization for research in economics and other relevant social sciences will help us to better understand the barriers to widespread adoption of the green chemistry techniques.

H.R. 3970 is a good start. However, we are disappointed that the bill does not go far enough to move findings in the laboratory into practice on the factory floor. There are a number of green chemistry success stories. The Presidential Green Chemistry Challenge Program, established in 1995, has recognized these achievements. But many other safer chemical substitutes and pollution prevention techniques are not widely used.

Research and development alone are not sufficient ingredients to guarantee the transition to a safer, cleaner environment. And this is an area where research has been done for a number of years. Programs and policies to overcome the barriers to more widespread adoption of green chemistry must be part of a truly comprehensive Federal green chemistry program.

Democratic amendments on procurement, homeland security, and technical assistance grants would have created incentives to adopt green chemistry practices. We hope this bill will continue to expand in scope as it moves forward in the legislative process.

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

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS), who is a cosponsor of this bill.

Mr. SIMMONS. I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of H.R. 3970, the Green Chemistry Research and Development Act of 2004. I do so because I am an advocate of this innovative effort to further scientific research while minimizing environmental harm.

Last year, I met Dr. Berkeley Cue, Jr., of Ledyard, Connecticut. Dr. Cue is a recently retired chemist at Pfizer's Global R&D headquarters in Groton, Connecticut; and he spoke passionately about his work on the Green Chemistry Institute's Board of Directors and explained to me some of the exciting prospects that green chemistry holds.

Green chemistry has been defined ''as the utilization of a set of principles that reduces or eliminates the use or generation of hazardous substances in the design, manufacture and application of chemical products.''

According to a 1994 pharmaceutical industry process efficiency analysis, for every kilogram of a given drug produced, between 25 and 100 kilograms of waste are produced. For those processes where there is a green chemistry application, this number was reduced to between 5 and 10 kilograms of waste per kilogram of product. This is a five- to 10-time improvement in the reduction of waste products. At commercial product volumes, this equates to hundreds of thousands of kilograms of costly waste prevented each year for each product where there is a green chemistry alternative.

What is more, there is no need to purchase raw materials that are lost to unwanted by-products. The cost savings are clear, and the environmental benefits are clear.

I urge my colleagues to support this measure and establish a Green Chemistry Research and Development Program to promote this technology at the Federal level. It is good for science, it is good for the environment, it is good for the American people.

Mr. GORDON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation for the leadership of this committee. We operate in a spirit of civility at all times, and we are all very proud of that.

We as legislators preach about how we want to make this world a better place for those who are to follow. The Green Chemistry Research and Development Act is a first step to increasing the use of renewable fuels, encouraging manufacturing processes that generate less toxic waste and promote the development of materials which can be easily recycled.

I am pleased that my colleague, the gentleman from Georgia (Mr. GINGREY), has introduced the Green Chemistry Research and Development Act of 2004, and I am proud to be an original cosponsor of this legislation.

Green chemistry is the utilization of a set of principles that reduces or eliminates the use or generation of hazardous substances in the design, manufacture, and application of chemical products.

Over the past decade, there has been increasing interest in a fundamental new approach to environmental protection. In studying green chemistry, we realize that science and technology can help produce processes and products that are both more environmentally benign and economically attractive.

I would like also to take this opportunity to thank the Chair for working in a bipartisan manner and our ranking member, as we often do in the Committee on Science, for incorporating parts of amendments that I introduced during markup in the committee. Most importantly, I appreciate the language that requires a study by the National Academy of Sciences on barriers to commercialization of green chemistry. As was evident by the committee's hearing on H.R. 3970, success at commercialization can be problematic, even for technical innovations that seem to be obvious candidates for exploitation.

The purpose of the study would be to systematically assess successful and

unsuccessful attempts at commercialization of green chemistry innovations here and abroad and attempt to tease out the controlling factors.

In addition, I am pleased that the manager's amendment clarifies that the funds provided by the bill for focused green chemistry research is in addition to the amounts the agency currently spends in its base programs. This addition is also very important, and I would like to thank the Chair for including this in the manager's amendment.

Although there is more work that can be done to strengthen this legislation, it provides the right impetus to encourage the science and manufacturing communities to start in the right direction, not only because green chemistry can save them money now in the short term but because it can also save our planet in the long term.

□ 1030

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

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

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 3970. And I want to congratulate our colleague, the gentleman from Georgia (Mr. GINGREY), for having introduced it. In a short time he has become one of the most active and effective members of the Committee on Science. I thank him for his many, many contributions.

There is really only one unfortunate thing about this green chemistry bill, and that is that none of us thought of it before. Green chemistry is such an obvious area in which to focus that it should be clear to anyone and everyone that more needs to be done in this field.

Green chemistry benefits companies and workers, the economy, and the environment. It is really just the application of an old adage: An ounce of prevention is worth a pound of cure. If we reduce to ounces the quantity of toxic chemicals we use and produce, then we will not have to clean up pounds of toxics downstream.

And this bill takes a sensible, targeted approach to putting some Federal dollars behind those prevention efforts. It builds on existing programs at a number of Federal agencies to transform those small and scattered efforts into a focused, a coordinated, and an enhanced national program. The result of that program should be the generation and dissemination of new ideas and new people, leading to the adoption of more green chemistry practices and the creation of more green chemistry products by industry.

Now, I know some would like this bill to go further, and there is no doubt that there are additional barriers to green chemistry that government action could help attack, but those government actions are complex and controversial and should be taken up in other bills.

For now let us take care of first things first. Let us make sure that the government is doing everything possible to ensure that green chemistry research and development is getting the attention it deserves to ensure that education programs are designed to teach more students and practicing chemists and chemical engineers about green chemistry, and to ensure that new ideas are broadly disseminated.

If we do not have the ideas and the people, then no amount of government incentives or regulations are going to accelerate the adoption of green chemistry. This is a good and thoughtful and effective bill that takes a step we should have taken long ago to make sure that government R&D and education programs promote the kind of chemistry that is in the national interest.

I urge everyone to support the excellent bill of the gentleman from Georgia (Mr. GINGREY). It is a most appropriate way to recognize Earth Day which occurs tomorrow.

Mr. GORDON. Mr. Speaker, we have no other comments, and I yield back the balance of my time.

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

Mr. SMITH of Michigan. Mr. Speaker, I commend the gentleman from Georgia (Mr. GINGREY), and I certainly commend the gentleman from Tennessee (Mr. GORDON), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairman of the committee, (Mr. BOEHLERT).

As we expand in population in this home that we call Earth, being more sensitive to the environment is continually a greater challenge and a greater need. So I commend the legislation. The legislation is going to be good for the economy. It is going to be good for improving worker safety. It is going to be good for improving public safety, for national security, and certainly it is going to be better for our environmental needs.

We need to expand our thinking not only for chemistry, but maybe for all of the research that we do to be more sensitive to make sure that this Earth continues to be as safe and beautiful for future generations as it has been for us. So I urge my colleagues to support Dr. GINGREY's bill.

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

Mr. Speaker, while the full potential of green chemistry is yet to be realized, H.R. 3970 will place us, as the chairman just said, on the right path to research in reaching that potential. I urge all of my colleagues to support the bipartisan Green Chemistry Research and Development Act.

Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Subcommittee on Environment, Technology and Standards, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, back in 1974 I ran for public office on an environmental platform. I have been an environmentalist for many years, and I have always tried to keep the environment in the forefront in discussions in this Congress. I am also, however, what you might call a common-sense environmentalist. I believe in environmental issues and environmental choices that make sense both for the environment and for the economy. And this bill is a sterling example of precisely what is involved in common-sense environmentalism.

The chemical industry makes and uses a great many chemicals. Disposal of those chemicals often becomes disposal of hazardous waste, which is very costly, very toxic and dangerous to the environment. This bill will help develop green chemistry, chemistry that is in tune with the environment so that both the products and the by-products are safe, and we do not generate as much or any hazardous waste, and we do not have to worry about toxic waste polluting the groundwater.

Much work is required in this area both to change the habits of the educational institutions and the habits of the chemical industry. They have to be made aware of the many opportunities for green chemistry. And this is true also of the businesses that use chemical products. For example, it appears now that liquid carbon dioxide at the critical point is an outstanding cleaning fluid, certainly nontoxic, and would solve the pollution problem that many launderers and cleaners face in this country.

I strongly support this bill. It supports research to develop more green chemistry processes and includes provisions to expand green chemistry education. This will enable the next generation of chemical professionals to bring innovative practices to traditional chemical manufacturing. I am most pleased to support the Green Chemistry Research and Development Act.

Again, I thank the gentleman from Georgia (Mr. GINGREY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their hard work on this important piece of legislation. I urge my colleagues to support H.R. 3970, a bill that will truly clean up the environment and at the same time aid the economy.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and pass the bill, H.R. 3970, 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. GINGREY. 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.

CONGRESSIONAL MEDAL FOR OUTSTANDING CONTRIBUTIONS IN MATH AND SCIENCE EDUCATION ACT OF 2004

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4030) to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education, as amended.

The Clerk read as follows:

H.R. 4030

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 ''Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) ELEMENTARY SCHOOL AND SECONDARY SCHOOL.—The terms ''elementary school'' and ''secondary school'' have the meaning given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Director shall establish a Congressional Medal for Outstanding Contributions in Math and Science Education program, which shall be designed to—

(1) recognize private entities for outstanding efforts supporting elementary and secondary schools in improving student achievement in science, technology, engineering, and mathematics;

(2) encourage private entities to support elementary and secondary schools to improve and underscore the importance of science, technology, engineering, and mathematics education; and

(3) make information about medal recipients available to schools, institutions of higher education, educators, parents, administrators, policymakers, researchers, public and private entities, and the general public.

SEC. 4. MEDALS.

(a) FINALISTS.—Beginning not later than 2 years after the date of enactment of this Act, the Director shall annually name as finalists for medals under this Act—

(1) not more than 20 private entities with more than 500 employees; and

(2) not more than 20 private entities with 500 or fewer employees.

Each finalist shall receive a citation describing the basis for the entity achieving status as a finalist.

(b) MEDAL WINNERS.—Beginning not later than 2 years after the date of enactment of this Act, from among finalists named under subsection (a), the Director shall annually award medals under this Act to—

(1) not more than 5 private entities with more than 500 employees; and

(2) not more than 5 private entities with 500 or fewer employees.

(c) DISTRIBUTION OF INFORMATION.—(1) The Director shall distribute information about the Congressional Medal for Outstanding Contributions in Math and Science Education recipients in a timely and efficient manner (including through the use of a searchable online database) to schools, institutions of higher education, educators, parents, administrators, policymakers, researchers, public and private entities, and the general public.

(2) Any entity that is a finalist or receives a medal under this section may use such information for advertising and other publicity purposes.

SEC. 5. ELIGIBILITY.

Eligibility to receive medals under section 4 of this Act shall be limited to private entities that—

(1) have, whether working alone or in partnership with for-profit or nonprofit entities, assisted students, teachers, administrators, or other support staff to improve student achievement in science, technology, engineering, and mathematics in a school or community; and

(2) have been involved in such activities in a sustained manner for at least 2 years with at least one elementary or secondary school.

SEC. 6. APPLICATION.

The Director shall establish a system for accepting applications from entities seeking to be considered for a medal under this Act. Applications shall include at least two letters of support, which may come from teachers, professional support staff, administrators, professional or business organizations, local, county, or State Departments of Education, or any other category of persons as designated by the Director. Letters of support shall describe the reasons the entity deserves the medal.

SEC. 7. SELECTION.

In selecting entities to receive medals under this Act, the Director shall give priority consideration to evidence of improved achievement in science, technology, engineering, or mathematics by students, including improved achievement by individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). In addition to any other criteria the Director may establish, the Director shall also consider the following:

(1) Evidence of innovative approaches to increase interest in science, technology, engineering, and mathematics by students, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). One measure of such evidence may be an increase in the number of students enrolled in advanced courses related to such fields.

(2) Evidence of employee interaction with students or teachers to support and improve science, technology, engineering, and mathematics learning.

(3) Evidence of success in positively influencing student attitudes and promoting education and career opportunities in science, technology, engineering, and mathematics.

(4) Evidence of successful outreach to students, parents, and the community regarding the importance of science, technology, engineering, and mathematics education to the Nation's prosperity, job creation, and standard of living, as well as future earning potential for the individual.

(5) Evidence of a strong and sustained commitment to the students and schools.

SEC. 8. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking ''By January 30, 1982, and biennially thereafter'' and inserting ''By January 30 of each odd-numbered year''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

For each of fiscal years 2005 through 2007, there are authorized to be appropriated to the National Science Foundation such sums as may be necessary for carrying out this Act, to be derived from amounts authorized by the National Science Foundation Authorization Act of 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

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

First, I would like to commend the chairman and the ranking member and certainly the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her help in moving ahead, trying to get more involvement from the business community in helping with K-through-12 education, especially in the areas of math and science.

This legislation establishes a national recognition program at the National Science Foundation to honor those in the private sector who work with K-through-12 schools to improve science and math education. In addition, the bill makes information about award winners publicly available so that the examples that they are using across the country that are effective, that are making a difference in our math and science performance can be considered by other school systems around the Nation.

The way to maintain and increase our standard of living certainly is through innovation, technological advances and hard work. Unfortunately, our schools, Mr. Speaker, are currently not producing enough young people with the math and science interest or the skills necessary to meet the emerging demand. We need to do a better job of encouraging student interest and achievements in fields like science, technology, engineering, and mathematics so that today's students will not only be successful in their own lives, but will contribute to the economy that we are going to need in future years.

The challenge of competition for our kids and our grandkids are going to be probably so much greater than they are for us today, and having the kind of technology that can result in new innovation, the kind of research that can develop new products and the ways to produce those products at a cost and a quality level that is competitive with products that are produced across the world is going to be much more important for our kids and grandkids than maybe it was for us.

In this legislation we recognize the industry leaders and companies and businesses that make a special outstanding effort in working with their schools. We included in the legislation work that these companies might do to encourage parents to be more involved with their students and schools because we think the interest and encouragement of parents is probably just as important as the quality of teachers that we have in math and science.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an original cosponsor of this legislation, I speak in support of its favorable consideration by the House today. The Subcommittee on Research has a long history of support for efforts to improve K-through-12 math and science education. This bill will help to mobilize greater efforts by the private sector in helping our schools to achieve the goal of higher achievement in math and science by all students.

□ 1045

I would like to commend the Subcommittee on Research and the gentleman from Michigan (Mr. SMITH) for originating the concept for this bill and working with me in a collegial way in developing the final product. In particular, I appreciate the gentleman's willingness to include language I propose to encourage math and science education in under-represented groups. My language simply emphasizes the importance of recognizing private sector activities that increase the participation and improve the achievements of women and minorities in math and science.

This provision is consistent with this committee's long interest in attracting the interest of, and preparing, all segments of the population in math and science.

This is necessary if the Nation is to satisfy its demands for the science and technology workforce of the future, because the proportion of minorities in the college-aged population is growing. And it helps to ensure that all citizens will achieve a level of technological literacy needed to function in the 21st century.

Mr. Speaker, I wish to use this opportunity to thank the chair of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), and the ranking member, the gentleman from Tennessee (Mr. GORDON), for moving this bill expeditiously to the floor. I am pleased to recommend the bill to my colleagues and seek their favorable support.

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

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4030, as amended.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

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

Mr. Speaker, I am pleased to rise in support of H.R. 4030, the Congressional Medal for Outstanding Contributions in Math and Science Education. This bill recognizes the outstanding contributions of the private sector in math and science education.

The private sector has created many good programs to inspire and educate the next generations of scientists. Establishing a Congressional Medal will identify, honor, and disseminate these excellent educational programs.

Science and math education as well as technical training are important and have enormous and pressing need. Science and technology underpin our economic strength and national security. Innovation and productivity gains cannot be sustained without a scientifically literate workforce.

Here is a very important point: Jobs of the future will require an understanding of the basic concepts and principles of science and mathematics. The Bureau of Labor and Statistics projects that 10 of the fastest growing industries and occupations from 2002 to 2012 will be in the high-technology fields. All workers from office assistants to rocket scientists will need a fundamental understanding of math, science, and engineering as well as technical know-how to succeed.

I cannot overemphasize the importance of this because the kids who are in schools today will need that education to have good-quality jobs in the future. Unfortunately, currently a full third of U.S. students perform below basic levels in science and math on assessment tests. At the advanced level, only two out of every 100 high school graduates will obtain an engineering or advanced degree, while the numbers are even more dismal for women and minorities who choose to go on in math and science.

There is no quick fix for these problems. Government and the private sector must work with the education and scientific communities to educate and inspire our children and prepare them to compete in the global knowledge-based economy.

It is very important to recognize that nations such as India and China have deliberately improved their math and science education and are producing far more scientists and engineers today than they did previously. And while their enrollments and graduation rates are increasing, our graduation rates for engineers have decreased steadily for the past 20 years.

H.R. 4030 recognizes businesses' achievements in improving math and science education and provides incentive for future participation. I applaud the efforts of the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for developing the bill and the leadership of the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Tennessee (Mr. GORDON), in moving the bill through committee. I strongly encourage my colleagues to support H.R. 4030.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON), the ranking member.

Mr. GORDON. Mr. Speaker, I rise to support H.R. 4030, the Congressional Medal for Outstanding Contributions in Science and Math Education Act of 2004. I want to commend the gentleman from Michigan (Mr. SMITH) of the Subcommittee on Research and the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for their work in developing H.R. 4030. I also want to thank the Committee on Science chairman, the gentleman from New York (Mr. BOEHLERT), for working with the minority to perfect the bill and for helping to move the measure through the committee and to the floor.

The Congressional Medal for Outstanding Contributions in Math and Science Education Act seeks to recognize the efforts of companies and nonprofit organizations that have worked with our schools to help improve student performance in math and science. Many good corporate citizens have already stepped up to the plate and have established a long record of contributions to achieving this important goal. I hope this bill will encourage others to contribute such sustained efforts to education improvements.

Providing more efficient math and science education for all students is a task that will require the attention and efforts of both the public and private sectors. Nothing less than success is acceptable because the future economic strength and security of our Nation is at stake.

Good jobs are created by technological innovation. I believe this bill will help draw attention to innovation and successful education improvement efforts now under way and, equally important, will provide for sharing of information about these best practices.

Mr. Speaker, I commend this legislation to my colleagues and urge their support for the passage in the House.

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

Mr. Speaker, the ranking member makes a good point, and maybe it is an opportune time to explain some of what goes into developing legislation. A lot of work from staff, Democrat staff and Republican staff on our committee. Kara Haas, certainly David Finger, spent many hours, sending out inquiries to the business community around the United States for their suggestions on how this award program should evolve and develop to really accomplish our goals of encouraging the business community to be more active and take a greater part in improving math and science education.

I would like to tell a very short story in trying to improve math and science education. I was talking to an individual who is the director of international studies at one of our Michigan

colleges. I asked him his ideas. He is from India. He grew up in India. He told me the story when he came home in about the 8th grade with a report card that showed a B in math, and he showed that to his father and tears welled up in his dad's eyes. And his dad went out and hired a tutor to try to improve his son's math skills. He suggested that almost all students in India concentrate on being successful in fundamental math and science before they continue their career maybe in some other field.

That lesson should be especially acknowledged by us today when we are doing a lot of outsourcing of math and science to engineers in other countries such as India. We need to do a better job at home. Parents need to do a better job.

Often when I ask witnesses before our committee how do we motivate and excite students in math and science. To the extent that education in kindergarten through twelfth grade is more like a lighting of a fire, lighting that interest and enthusiasm, rather than simply filling a container with information, when is that fire lit for these students. Their suggestion was maybe at home when they are 3 and 4 and 5 years old, maybe in kindergarten, first and second grade. So if we lose that individual with their interest in math and science at that stage of their lives, it is hard to rekindle that fire.

Improving math and science education is important for the sake of business and industry because they have a special economic interest in having enough qualified students in math and sciences to make sure they are going to be able to stay in this country and compete.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4030, 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. SMITH of Michigan. 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.

SENATOR PAUL SIMON FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2022) to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

The Clerk read as follows:

S. 2022

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

SECTION 1. DESIGNATION OF FEDERAL BUILDING.

The Federal building located at 250 West Cherry Street in Carbondale, Illinois shall be known and designated as the ''Senator Paul Simon Federal Building''.

SEC. 2. REFERENCE.

Any reference in a law, map, regulation, document, paper or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Senator Paul Simon Federal Building.

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

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

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

Mr. Speaker, S. 2022 designates the Federal building located at 250 West Cherry Street in Carbondale, Illinois, as the Senator Paul Simon Federal Building.

This bill has the bipartisan support of the entire delegation in the State of Illinois. Although Senator Simon was born in Eugene, Oregon, he made the State of Illinois his home. Senator Simon's service to his State ranged from being a budding newspaper editor to public official to educator.

After attending the University of Oregon and Dana College in Nebraska, Senator Paul Simon moved to Troy, Illinois, and pursued a career as newspaper editor and publisher. Having successfully built a chain of 14 weekly publications, Senator Paul Simon enlisted in the Army, where he served from 1951 to 1953.

From 1963 until 1973, he was elected to various positions, serving in the Illinois House of Representatives, the State Senate, and also as lieutenant governor. He then continued to represent Illinois at the Federal level. He served in the House of Representatives from 1975 until 1985. Subsequently, Paul Simon ran for, and was elected to, the United States Senate, where he served until 1997. Senator Simon then returned to Illinois following his retirement and served as director of the Paul Simon Public Policy Institute at Southern Illinois University. He passed away on December 9, 2003.

This is a fitting tribute to a man who dedicated his life to the State of Illinois and his country. I support this legislation and urge my colleagues to do the same.

Mr. Speaker, I am also pleased today that managing the bill for the minority is the distinguished individual who used to be our ranking member and then went on to bigger and better things as the ranking member of the Subcommittee on Water Resources and Environment, the gentleman from Illinois (Mr. COSTELLO).

Although we are requesting that the Senate version of this bill be passed under suspension today, the gentleman from Illinois (Mr. COSTELLO) has been a tireless champion of making sure that the companion legislation, similar legislation to this, be passed on the House side. It is my pleasure to be with him today.

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

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

Mr. Speaker, first let me thank my good friend, the chairman of the subcommittee, the gentleman from Ohio (Mr. LATOURETTE), for his cooperation and his friendship and his leadership in bringing this legislation to the floor.

Mr. Speaker, I strongly support S. 2022, a bill to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois, as the Senator Paul Simon Federal Building.

S. 2022 was introduced by Senator DURBIN and Senator FITZGERALD. I was honored to sponsor the House companion bill, H.R. 3717, along with the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Illinois (Mr. JACKSON), the gentleman from Illinois (Mr. DAVIS), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. EMANUEL), and the gentleman from Illinois (Mr. KIRK) to honor the legacy of the distinguished Senator from Illinois, Paul Simon.

On December 9, 2003 we lost Senator Paul Simon, a great public servant and a true and trusted friend. Paul Simon was born in 1928 in Eugene, Oregon. He attended the University of Oregon and Dana College in Blair, Nebraska.

□ 1100

As a 19-year-old teenager, he became the Nation's youngest editor/publisher when he accepted a local Lion's Club challenge to save the Troy Tribune newspaper in Troy, Illinois. By 1966, Paul Simon had built a chain of 13 newspapers in southern and central Illinois, which he later sold to better be able to concentrate on public service and writing.

In 1954, Paul was elected to the Illinois House of Representatives, and in 1962, he was elected to the Illinois State Senate. During his State legislative career, he earned a reputation for political integrity and courage. While a member of the Illinois Legislature, he won the Independent Voters of Illinois ''Best Legislator Award'' every session. In 1968, Paul Simon was elected Lieutenant Governor of Illinois and was the first person in the State's history to hold that post with the Governor of another party.

In 1974, Paul Simon was elected to the U.S. House of Representatives and

served in this body for 10 years. His legislative skills were put to use on issue areas including education, disability policy and foreign affairs. He played a crucial role in establishing the National Center for Missing and Exploited Children.

In 1984, he upset three-term incumbent U.S. Senator Chuck Percy to win election to the United States Senate. Most recently, Paul Simon taught political science and journalism at Southern Illinois University in Carbondale and headed up the Public Policy Institute which he founded.

Senator Simon was known for exceptional constituent service. His colleagues appreciated his personal warmth and sense of humor. He was an exceptional friend who guided and motivated most aspiring public servants with his dedication and work ethic. His even-handed, balanced approach to topics and controversial issues earned him friends on both sides of the aisle.

Paul Simon set a standard for honesty in public life. He was true to his values, his life and his work. It is truly fitting and proper we honor the outstanding public career of Senator Paul Simon with this designation.

Mr. Speaker, at Senator Simon's funeral, Senator Ted Kennedy said, ''In another era, he would have been a Founding Father. He was that good. He'll never be forgotten.''

Senator Simon was a good man that served our country with honor and dignity. It is fitting that we honor him by naming the Federal building in Carbondale, Illinois, after him.

Mr. Speaker, I support S. 2022 and urge my colleagues to join me in support of this legislation.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he might consume to another outstanding Member from the State of Illinois (Mr. LAHOOD), my friend and classmate.

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

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for the time.

I rise in support of the bill to name the Federal building in Carbondale in honor of Paul Simon, S. 2022.

On December 9, 2003, the citizens of Illinois lost one of the true giants in the storied history of politics in the State of Illinois. Paul Simon was a leader who transcended political and ideological labels. To be sure, he was a staunch liberal who fought for better housing, fair wages, a cleaner environment, and civil justice. At the same time, he also leaned conservative when it came to fiscal issues, but it was the way he carried out the job that made Paul a revered figure in a State that is accustomed to larger-than-life figures.

Paul Simon represented an approach to politics that is becoming more and more rare in today's world, an approach in which he not only respected the people he represented, but he respected the people who were his peers in the institution in which he served.

When I was first elected to the U.S. House, Paul was the senior Senator from Illinois, but he took the time to reach out to me so we could become better acquainted and work on issues of mutual concern to our State of Illinois. As a leading Member of the Senate, I am sure he had many better things to do than getting to know a first-term Member of the House. That is the way Paul did business. He knew that good relationships were important in politics and legislating, and I am a better Member of the House for Paul Simon's efforts to get to know me.

When Paul retired from the Senate following the 1996 election, he certainly could have landed some lucrative lobbying contracts, but he chose instead to continue influencing public policy through a different arena, one that could have a lasting impression on generations of future public servants; that is, teaching.

From his perch as director of the Public Policy Institute at Southern Illinois University, he continued to stay in the public eye, and he was able to carry on an advocacy for many of the issues he held so dear. He wrote prolifically and on many issues during his time at SIU. He continued to travel the world to talk about the issues for which he so passionately believed. I would imagine he was as busy in his role with the Institute as he was during his time in the United States Senate or in this body, and to this day I am sure Paul Simon's approval numbers in Illinois are higher than any politician in the State of Illinois.

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

I can think of no better tribute to Senator Simon than to name the Federal building in Carbondale, Illinois, in honor of Senator Paul Simon. I think it is a fitting tribute.

Mr. COSTELLO. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), my friend.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me the time, and I also commend him for his introduction of this legislation.

Mr. Speaker, in 1994, when Senator Paul Simon announced that he would not seek a third term in 1996, he said, ''I have an obligation to the people of Illinois, to the Senate and to myself to leave the Senate while I am still eager to serve, not after I tire of serving.''

Paul Simon never tired of serving. He was an asset to America. In 1948, when Paul Simon was just 19, he dropped out of college, borrowed $3,600 and bought a failing weekly newspaper in Troy, a town of 1,500 people across the Mississippi River from St. Louis. He became the Nation's youngest editor/publisher. Paul Simon would eventually own 14 newspapers, which he sold in 1966.

Paul Simon's political career began with his election to the Illinois State Legislature in 1954 and culminated with his election to the U.S. Senate in 1984. During his 14 years in the State legislature, he won the Independent Voters of Illinois Best Legislator Award every session.

Paul Simon began earning a reputation for political courage and integrity during his years in the Illinois Legislature. He was chief sponsor of the State's open meetings law and of legislation creating the Illinois Arts Council, and he played a leading role in chartering the State's community college system.

Prior to leaving the U.S. Senate, Paul Simon ranked as Illinois's senior Senator. In the 104th Congress, he served on the Budget, Labor and Human Resources, Judiciary, and Indian Affairs Committees. He also served on the Foreign Relations Committee.

Education and job training laws that he introduced and were enacted include the National Literacy Act, the School-to-Work Opportunities Act, the Job Training Partnership Act amendments, several provisions of the Goals 2000 Act, and the 1994 reauthorization of the Elementary and Secondary Education Act. He was the leading Senate champion of the new Direct College Loan Program, enacted in 1991 as a pilot program and expanded in 1993 as a replacement for the Guaranteed Student Loan Program.

Just weeks after retiring from the Senate in 1997, Paul Simon joined the faculty of Southern Illinois University. He taught classes in political science, history and journalism. He was founder and director of the Public Policy Institute at the Carbondale campus. When the Institute opened its doors in 1997, Paul Simon said the Institute promises to find new ways of solving old problems.

Mr. Speaker, the last communication that I had with Senator Simon came about 2 weeks before he passed, and in that letter he said he had seen an article in the Chicago Tribune where some of us had been working on the issue of prisoner re-entry, and he wrote to say, I commend you and those with you for that kind of work because we really need to make sure that those at the bottom of the barrel in our society are dealt appropriately with.

So, Senator Simon, I thank you for all that you meant to all of America.

I hold lots of town hall meetings, and there are people in Illinois who think that I copy those after Senator Simon. I can remember going to them when there were 5, 10 people sometimes

present, long before I decided to run for public office, and I did try and model them after Senator Simon.

I support strongly this legislation, urge its passage. There could not be a more fitting tribute to a greater American and certainly a great hero of mine.

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

Mr. RUSH. Mr. Speaker, I want to thank my friend from the State of Illinois, the sponsor of this legislation, for yielding me this time.

Mr. Speaker, it is with mixed emotions that I stand before the House today. I say mixed emotions, because one of my emotions is that I am saddened by the passing of Paul Simon and that he is no longer with us. He has departed this life. But, Mr. Speaker, I am also very, very gleeful for the life that he did live.

Paul Simon, to all who knew him, was one of the finest, kindest, and brightest human beings to have graced the political scene in this Nation. The former Senator Paul Simon was the only person to have served in both the Illinois House and Senate and the U.S. House and Senate. During his tenure in Congress, Senator Simon was a champion of education and a key advocate for literacy and lifelong learning.

In the Senate, he was the author of the National Literacy Act, the School to Work Opportunities Act, the Job Training Partnership Act amendments, the 1994 reauthorization of the Elementary and Secondary Education Act, and the Direct Student Loan Program. In addition, Paul Simon held numerous influential committee assignments, including serving as the chairman of the Senate's Subcommittee on Africa.

Without question, Mr. Speaker, Paul Simon was one of the most effective Senators to have served the citizens of Illinois and the American people. In Illinois, we have produced some great Senators, with Senator Dirksen coming to mind and also Senator Douglas coming to mind. But Paul Simon certainly stands right in the midst of these two fine Senators that we have produced in Illinois.

Paul Simon's keen political sense and sharp wit was unparalleled and admired by everyone who came in contact with him. Mr. Speaker, it is only fitting today that we pay tribute to him by designating a Federal building in Carbondale, Illinois, as the Senator Paul Simon Federal Building. We can do nothing less, Mr. Speaker, than to designate this Federal building after Paul Simon.

I think that we will be serving his legacy well by making sure that this legislation passes and that that building, the Federal building in Carbondale, Illinois, be designated as the Senator Paul Simon Federal Building.

Mr. EMANUEL. Mr. Speaker, I am in strong support as a proud original cosponsor of S. 2022 naming the Senator Paul Simon Federal Building in Carbondale, Illinois.

This resolution honors the memory and lasting contributions of one of Illinois' favorite sons—a lifelong mentor, hero and friend of mine. I was honored to work on Paul Simon's election to the U.S. Senate, where he made the people of Illinois—and all of America—proud.

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

Long before they were fashionable, Paul Simon championed civil rights, campaign finance reform, and making college more affordable. After his retirement from Congress, his commitment to public service continued. He spent his remaining days pursuing what he cared about most—education.

In everything he did, Senator Simon was guided by a deep desire to help those who most needed a voice. They always knew that Paul Simon was on their side.

For those of us in Illinois, we can still hear his voice with his trademark "How are you today?" His voice was one that reflected our values—regardless of party or ideology. He taught many of us that you can disagree without being disagreeable.

That the State's Attorney General, a member of Congress, and a state senator worked for Paul Simon reflects how his values and influence steered many others—regardless of party—toward careers in public service. His knowledge, insight and guidance remain cherished by those of us who have attempted to advance his values and ideals.

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

Mr. EVANS. Mr. Speaker, today the House of Representatives will consider S. 2022, legislation to designate the Federal building located at 250 West Cherry Street In Carbondale, Illinois as the "Senator Paul Simon Federal Building." I would like to take this opportunity to voice my support for this bill and to commemorate the life and work of my friend and mentor.

A champion of working Illinoisans, Senator Paul Simon dedicated his life to public service. By the time he decided to run for the United States Senate in 1984, he had already spent 30 years serving the people of Illinois as a State Representative, State Senator, Lieutenant Governor, and a U.S. Representative. During his 12 years in the Senate he became known as a crusader for fiscal responsibility, affordable student loans, and against television violence, as well as for his trademark bowties.

To name a Federal building after Paul Simon is an apt tribute, as his honesty, integrity, and hard work are an example of government at its best. Even though he has passed on, all those who aspire to a career in government can forever look to Senator Paul Simon as a role model for how to serve one's fellow citizens honorably, ably, and with humility.

Mr. Speaker, the designation outlined in S. 2002 will serve as a permanent physical reminder of Senator Simon's work on behalf of the people of Illinois, and a source of comfort and pride for his family and all who knew him. I urge my colleagues to pass this important legislation today.

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

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 2022.

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.

JAMES V HANSEN FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3147) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V Hansen Federal Building," as amended.

The Clerk read as follows:

H.R. 3147

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

SECTION 1. DESIGNATION.

The Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, shall be known and designated as the "James V Hansen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "James V Hansen Federal Building".

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

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

GENERAL LEAVE

Mr. LATOURETTE. 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 materials on H.R. 3147 and S. 2022.

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

There was no objection.

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

Mr. Speaker, H.R. 3147 has been introduced by our colleague the gentleman from Utah (Mr. CANNON), and it designates the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V Hansen Federal Building.

James Vear Hansen was born in Salt Lake City on August 14, 1932. After graduating from the public schools of Salt Lake City, he served in the U.S. Navy, and upon his discharge attended

and graduated from the University of Utah.

Following his graduation, Mr. Hansen began a long and successful career, notable in his devotion to serving his community. I have already mentioned that he served honorably in the Navy, but he also served on the Farmington, Utah, City Council for 12 years and in the Utah State House of Representatives for 7. During his final year in that body, he served as speaker, and in 1980 was elected to this body. He served with distinction in the House of Representatives for 22 years.

While serving in the House, James Hansen served on a number of committees, including the Committee on Armed Services, the Committee on Resources, and the Committee on Standards of Official Conduct. He also served as chairman of the Committee on Standards of Official Conduct, as well as chairman of the Committee on Resources.

During his time in Congress, he devotedly served his constituents and the Nation by preserving key military facilities in his district. He fought for the responsible use of public lands and secured key investments in Utah's infrastructure in advance of the 2002 winter Olympic games, which were some of the most successful in the modern history of the games.

I am honored to support this legislation for a man worthy of such an honor, and I urge my colleagues to join me in supporting the bill.

Mr. Speaker, I ask unanimous consent that the balance of our time be yielded to the gentleman from Utah (Mr. CANNON), the author of this bill, and that he be permitted to yield time.

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

There was no objection.

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

Mr. Speaker, H.R. 3147 is a bill that designates the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V Hansen Federal Building.

Congressman Hansen began his public career in local government in Farmington, Utah, and later served four terms in the Utah House of Representatives. He was elected to the United States Congress from Utah's 1st Congressional District in 1980 and served 11 terms. He held a senior position on the Committee on Armed Services and served as chairman of the Committee on Resources where he was actively involved in developing sound energy policy. Congressman Hansen also was active in passing the first tort reform legislation in over 40 years.

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In addition, he authored and passed legislation that revised the Private Mortgage Insurance program to benefit American homeowners.

It is both fitting and proper to honor the distinguished career of Jim Hansen with this designation. Mr. Speaker, I support H.R. 3147 and urge its passage.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3147. It is my pleasure to sponsor a bill that would designate the Federal building located at 324 25th Street in Ogden, Utah, as the James V Hansen Federal Building.

Almost all Members of this body will fondly remember our colleague Jim Hansen. I had the privilege of working with Jim during the first 6 years of my service in Utah's Third Congressional District, and during that time I looked to Jim for advice, guidance and leadership on countless occasions, and he never let me down.

Jim Hansen will be remembered for many things during his 22 years in Congress. He was a champion for multiple use and access to public lands. He fought numerous battles to protect the rights and interests of rural Utahns, and he never tired of fighting to preserve Hill Air Force Base.

When Jim was the dean of the Utah delegation, he dedicated his career to protecting the interests of his constituents. Not only did he represent Utahns and their values in Congress, he has impressed his colleagues by living those values. During his tenure as chairman of the Committee on Resources, Jim went to great efforts to bring together both sides of the aisle on contentious and complex resource issues. It was truly my pleasure to serve with him during that time on that committee.

Jim Hansen never lost an election. I credit that to his ability to listen and understand the people he represented. Jim never forgot the concerns of his constituents. I have learned from his example, and I appreciate the service he has given on behalf of Utah.

Above and beyond all his personal accomplishments, the most important thing I can say about Jim Hansen is that he made a difference. He made a difference in our national policies. He showed us that by acting honorably and with mutual respect we can get things done here in Congress. Over the course of his 42 years of public service, Jim Hansen has shown what it means to be a true statesman and a man of the people.

Mr. Speaker, it is my pleasure to sponsor this bill, but more importantly it is my pleasure to call Jim Hansen my friend; and I urge my colleagues to support H.R. 3147.

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

Mr. CANNON. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, yesterday, I had the opportunity of sitting on a stand with Jim Hansen in Tuelo speaking at a political event. When I informed him that if he spoke well of me today in Utah I would speak well of him today here in Washington, he told me these type of events simply turn into a funeral for the living. So with apologies to Shakespeare, I wish to join that group and praise Jim Hansen, not bury him yet.

This designation for the State of Utah, I think, is extremely deserving because of the unique character that Jim Hansen has and what he has meant for the history of politics in Utah, and especially in the first district. No Utahn has served longer in the House of Representatives than Jim Hansen, with 11 terms. He is the only Utah Congressman that has ever actually served as chairman of a full committee, and you can count on one hand the number of subcommittee chairmen we have. My colleague, the gentleman from Utah (Mr. CANNON), and Jim Hansen are the only two who have ever served as subcommittee chairmen from my State.

In the State of Utah, since Congressman Hansen's retirement, he has had a highway in Davis County named for him, the Migratory Bird Refuge visitor's center in my hometown named for him, and now this Federal building. But I think it most fitting that the one element that has been named for Jim Hansen that he appreciates the most is the duck blind at the Bear River Bird Refuge which was especially built and dedicated in his name. Because he was always in touch with the common man, he understood that element and he had a great love for the outdoors. Even though the wilderness debate rages on in this country, it is still Jim Hansen who is the only one who has actually created a wilderness area in the State of Utah.

Born during post-World War II Salt Lake City into a family not awash in earthly wealth, he graduated from a high school class that also produced two U.S. Senators from Utah, a fact that should not denigrate the academic standards of that particular high school.

He then joined the Navy, served in the Korean conflict, and as a young man moved up to Farmington, Utah. As an insurance man, he decided to join the Farmington City Council to try to fix their water system, where he served for 12 years, then moved on to the State legislature for 8 years, and then Congress for 22 years.

During the first term Jim Hansen served in the Utah House of Representatives, I was an intern; and Jim Hansen actually happened to be the representative in my family's district. My first term in the Utah House of Representatives Jim Hansen was the Speaker, and he set the standard of excellence that I tried to emulate when I became Speaker several years later. When he retired from this position in Congress, I once again followed in his footsteps. I feel like he has cast a long shadow. He has big shoes to fill. Whatever cliche you want to use about Jim Hansen, the bottom line is he did a good job for his constituents, and he did a good job for the State of Utah.

He was known for his integrity, twice serving as chairman of the Committee on Standards and Official Conduct. He was known for his common sense and for his frugality. The building in Ogden, which will be named for him, is a place where he served for 22 years. I have followed him, so my office is in the same spot that his office was, and I and my staff are going to be proud that we are now serving in the Jim Hansen Federal Building in Ogden, Utah.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume to urge passage of this legislation.

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

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

Mr. Speaker, we had many people who wanted to come speak today, but I think the calendar has precluded them from coming. So I would like to urge my colleagues to vote ''yes'' on this bill that honors our colleague, who I want to assure everyone is in vital health and still alive, despite all of the honors he has received recently.

Mr. Speaker, Jim Hansen was a man of great good humor, great political insight, great integrity, and a man of principle. I am honored to sponsor this bill on his behalf.

Mr. FALEOMAVAEGA. Mr. Speaker, it is my great honor to rise to today in support of H.R. 3147, To Designate a Federal Building in Ogden, Utah as the "James V Hansen Federal Building".

Chairman Hansen and I served together in this House for 14 years. As Chairman of the House Resources Committee, Jim Hansen was instrumental in securing passage of several pieces of legislation crucial to the needs of my constituents in American Samoa.

Jim was a champion of good causes, an exemplary leader, and more importantly, my friend. At this time I urge all my colleagues to support this legislation which recognizes and honors Chairman Hansen's legacy of service.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3147, 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. CANNON. 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.

PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4019) to address the participation of Taiwan in the World Health Organization, as amended.

The Clerk read as follows:

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

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is greater than that of ¾ of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including—

(A) attaining—

(i) 1 of the highest life expectancy levels in Asia; and

(ii) maternal and infant mortality rates comparable to those of western countries;

(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(C) providing children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese Government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(12) On May 11, 2001, President Bush stated in a letter to Senator Murkowski that the United States ''should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible'', further stating that the administration ''has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO''.

(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced ''America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observership status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it''.

(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated $1,000,000 to the Global Fund to Fight AIDS, Tuberculosis, and Malaria in December 2002.

(15) In 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 84 deaths in Taiwan.

(16) Avian influenza, commonly known as bird flu, has reemerged in Asia, with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos.

(17) The SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO.

(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that ''[t]he need for effective public health exists among all peoples''.

(b) PLAN.—The Secretary of State is authorized to—

(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly each year in Geneva, Switzerland;

(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

(c) REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.—Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Secretary of State has made, following the last meeting of the World Health Assembly, to encourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Secretary of State will take to endorse and obtain observer status at the next annual meeting of the World Health Assembly in Geneva, Switzerland.

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

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

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4019, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I want to thank my colleague, the gentleman from Ohio (Mr. BROWN), for his leadership in this effort to obtain observer status for Taiwan at the annual week-long summit held by the World Health Organization in May of each year. My colleague has spearheaded this campaign for many years, and I am pleased to join him once again.

I also want to thank Brett Gibson of the staff of the gentleman from Ohio (Mr. BROWN), who has done a great job working on this issue.

The people of Taiwan have a great deal to offer to the international community. It is terribly unfortunate that while Taiwan's achievements in the medical field are certainly substantial, and it has expressed the repeated willingness to assist both financially and technically in World Health Organization activities, it has not been allowed to do so because of the intransigence of the Communist Chinese Government.

It is a travesty that during times of crisis, such as the 1998 entovirus outbreak in Taiwan that killed 70 children and infected hundreds and hundreds more, the World Health Organization was unable to help. When an earthquake in 1999 claimed more than 2,000 lives, we learned in published reports that the Chinese Government, whose belligerent insistence that Taiwan be denied a role in international organizations, demanded that any aid for Taiwan provided by U.N. organizations and the Red Cross receive prior approval from the dictators in Beijing. And when the SARS outbreak killed so many in Taiwan last year, the PRC objected to WHO assistance for its neighbor.

Health and Human Services Secretary Tommy Thompson has stated that the people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it. We can show that support by adopting this legislation that would authorize the Secretary of State to endorse and obtain observer status for Taiwan at the annual summit of the World Health assembly and introduce a resolution in support of observer status.

This legislation also makes permanent the reporting requirement mandating an account of our government's efforts at the assembly and the steps the Secretary will take to endorse and obtain observer status at the next meeting of the assembly.

In the face of the AIDS pandemic, the threat of bioterrorism, and vicious infectious diseases like avian flu, the need for international cooperation in public health matters has never been more critical.

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But despite the danger of health threats stalking the world's population, 23 million residents of the island of Taiwan continue to be banned from participation in and cooperating with the work of the World Health Organization. Taiwan's exclusion from the World Health Organization is not simply a political question, it is a question of humanity. It is an injury to the lives and well-being of the Taiwanese people, and a lost opportunity to defeat disease, humanity's common enemy.

Mr. Speaker, this is an issue that demands we put aside narrow political considerations in the interest of human welfare. It demands the attention of the international community, and it demands the attention of the United States. Beyond these humanitarian considerations that would apply to people anywhere in the world if granted observer status at the World Health Organization, Taiwan would be uniquely positioned to help strengthen the infrastructure of the international public health system.

The damage from the potential exclusion from World Health Organization does not stop at the island's shoreline. Taiwan's continued forced isolation from the world health community stands to impact the health of all of the countries in East Asia and the greater international community. Diseases do not recognize political boundaries, a fact demonstrated during the 2003 outbreak of SARS, as I mentioned previously. Taiwan's highly trained medical personnel, outstanding medical facilities and respected scientific community would be a tremendous resource to global health professionals working to combat disease. Furthermore, despite its arbitrary exclusion from the World Health Organization and the annual World Health Assembly in Geneva, Taiwan has made generous financial contributions to international efforts to improve public health throughout the world, including a $1 million donation to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

In the context of such compelling arguments for Taiwan's participation in the global network of medical information and organizations represented by the World Health Organization, its continuing exclusion is illogical and dangerous. It is a reality that has been perpetuated through the threats and posturing of the People's Republic of China, a government whose outrageous behavior during last year's SARS epidemic clearly demonstrated an unwillingness to act responsibly in safeguarding the health of citizens on the mainland or Taiwan.

It is my hope and that of other cosponsors of this legislation that our government will take vigorous steps to immediately right this wrong. This legislation calls on the head of the American delegation at the World Health Organization to speak out forcefully on the floor of the World Health Assembly in support of the right of the people of Taiwan to meaningful participation in the international public health community.

The manager's amendment contains a modification on the bill as introduced. It extends beyond calendar year 2004 the authorization for the Secretary of State to seek observer status for Taiwan at the World Health Assembly and to report to Congress on the same.

I would conclude by thanking the gentleman from Ohio (Mr. BROWN) and his staff for leadership on this bill, and also the gentleman from Florida (Mr. WEXLER) and the gentleman from California (Mr. ROHRABACHER), who are cochairs of the Taiwan Caucus.

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

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

Mr. Speaker, I again join the gentleman from Ohio (Mr. CHABOT) in urging Congress to authorize the U.S. to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly, the meeting of the World Health Organization, set for next month, May of 2004, in Geneva.

I would like to thank the gentleman from California (Mr. ROHRABACHER), the gentleman from Florida (Mr. WEXLER) and especially the gentleman from Ohio (Mr. CHABOT) for their hard work and dedication to world public health. H.R. 4019 is another important step in fulfilling the commitment that we in this country made in the 1994 Taiwan policy review to more actively support Taiwan's membership in organizations such as the United Nations and the World Health Organization. We should continue to support Taiwan in international bodies. We should continue to advocate for Taiwan to be represented in the WHO.

There are more reasons today to support this bill than there were last year even. Those reasons are SARS and the avian flu outbreaks. How much more limited would the effect of SARS worldwide have been if Taiwan's government had been fully engaged in the work of the World Health Organization? How much more quickly would the disaster have been contained if China had not covered up the outbreak and Taiwan could have stepped forward?

Excluding the people of Taiwan from the WHO violates the basic premise of the WHO to enjoy the attainment of the highest standard of health ''is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.''

Last year the outbreak of severe acute respiratory syndrome, SARS, caused 73 people in Taiwan to die. This

year, avian influenza has reemerged in Asia, has been reported in China and Cambodia, Indonesia and Japan, Laos, Pakistan, South Korea, Taiwan, Thailand and Vietnam. SARS and the avian influenza continue to threaten Taiwan. The case has never been stronger for allowing the people of Taiwan access to the WHO. As globalization quickens, and as the spread of infectious disease accelerates, it is crucial that the people of Taiwan be given the opportunity to participate in international health organizations such as WHO.

This bill authorizes Secretary of State Powell to endorse and help obtain observer status for Taiwan at the week-long health summit of the WHA, and authorizes the State Department to introduce a resolution on the floor of the WHA in support of Taiwan's participation in the organization. The bill directs the State Department to submit a plan to Congress on how to accomplish this objective.

Taiwan has eradicated smallpox, cholera, polio, and achieved infant mortality rates on a par with Western, wealthy nations. These accomplishments warrant an invitation to participate in international policy health discussions, to sit at the table with scientists and physicians and other public health experts in all these countries.

With a population of 23 million people, Taiwan is larger than 75 percent of the countries which actually belong to the WHO. Taiwan is prepared to contribute meaningfully to the global health efforts discussed at the WHA, but without observer status, its delegates cannot even enter the room. This bill would prevent the international community from missing out on the insight and experience Taiwanese health officials can offer. This bill is good for the 23 million people in Taiwan, and it is also good for the rest of the world because of the expertise that Taiwanese health officials bring to the table.

I urge my colleagues to support access to the WHO for the 23 million people of democratic Taiwan and support this bill.

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

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

Mr. Speaker, I would just like to recognize several of the staff who have been instrumental on bringing this forth today. On the majority side, I would like to recognize Sarah Tilleman and Dennis Halpin for their very hard work; and on the minority side, I would like to recognize and thank Paul Oostburg and Bob King for their service and the hard work they have put in to make this possible today.

Mr. LANTOS. Mr. Speaker, I am in strong support of this resolution.

Mr. Speaker, I would first like to commend my colleague from Ohio, SHERROD BROWN, for his persistence in pushing for Taiwan's observer status at the WHO. For many years he has successfully advocated for legislation to move this issue forward, and I want to congratulate him on his current efforts to do so.

I would also like to thank the Chairman of the Committee, my good friend from Illinois, for moving this legislation forward and to other members on his side of the aisle for their support.

Mr. Speaker, by battling the spread of infectious diseases and increasing the quality of health care to the global community, the World Health Organization makes a significant contribution to America's national security. As we meet today, the World Health Organization is attempting to prevent future outbreaks of the deadly SARS virus, implementing new strategies to stop the spread of the deadly HIV/AIDS virus, and teaching the developing world how to stop the transmission of tuberculosis.

Mr. Speaker, the fight for quality health care around the globe will never cease. As a result, the WHO and its member countries must look for help from every nation, and from every people, to strengthen the work of the organization. Unfortunately, strong and consistent opposition from the Chinese Government has repeatedly stopped the people of Taiwan from contributing to the work of the WHO.

I appreciate the willingness of President Bush to support Taiwan's bid for WHO observer status. But I fear that those who work for the President at the White House and the State Department are unwilling to make a concerted effort to make Taiwan's observer status a reality. While it is true that active, not simply passive, support for Taiwan's bid will upset Beijing, we must first focus on promoting America's own national interest.

It is true that observer status for Taiwan will not come easy. Beijing holds sway over many WHO members. But the facts in support of Taiwan's case are clear, and support will undoubtedly build over time with active American engagement.

Mr. Speaker, Taiwan is one of America's strongest allies in the Asia-Pacific region, and is a beacon of democracy for people around the world. Taiwan also has the money and expertise to make a significant contribution to the work of the World Health Organization. The case for Taiwan at the WHO is clear, and I hope that the Bush Administration will actively seize on this critically-important matter.

I urge my colleagues to support H.R. 4019.

Mr. MENENDEZ. Mr. Speaker, I am in strong support of Taiwan's entry into the World Health Organization (WHO). It is once again time for Congress to stand up for a democratic Taiwan.

Secretary Powell has noted before the International Relations Committee that there should be ways for Taiwan to enjoy full benefits of participation in international organizations without being a member. H.R. 4019 only calls for the Secretary of State to initiate a United States plan to endorse and obtain observer status at the WHO for Taiwan.

Time and time again in recent years, Congress has passed similar legislation to provide for Taiwan's participation in the WHO. Yet time and time again, Taiwan has been thwarted from joining this international organization because of objections from the People's Republic of China. This most recently occurred last May at the World Health Assembly in Geneva; even after Congress enacted legislation authorizing the U.S. Government to implement a plan for Taiwan to obtain observer status.

In recent years. Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO, but has been unable to render such assistance because Taiwan is not a member of the WHO. Last year's SARS outbreak in Asia should have made it perfectly clear how important it is to allow Taiwan to participate in the WHO. Taiwan offered to work with the WHO yet was denied; only later were two WHO experts dispatched to Taiwan.

Meanwhile, the WHO has allowed observers to participate in the activities of the organization, including the Palestinian Liberation Organization, the Knights of Malta, and the Vatican.

Along with many of my colleagues, I am extremely disappointed that Taiwan is not a full member of the U.N. and all international organizations that its democratically led government wishes to join. Although this resolution does not go anywhere near far enough to address this concern, it is a first step in addressing the problem that Taiwan faces.

Therefore, I urge every member of this House to support a democratic Taiwan by supporting this bill.

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

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4019, 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. CHABOT. 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.

GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1779) to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

The Clerk read as follows:

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 ''Guardsmen and Reservists Financial Relief Act of 2003''.

SEC. 2. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS CALLED TO ACTIVE DUTY FOR AT LEAST 179 DAYS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

''(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.—

''(i) IN GENERAL.—Any qualified reservist distribution.

''(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—Any individual who receives a qualified reservist distribution may, at any time during the 2-year period beginning on the day after the end of the active duty period, make one or more contributions to an individual retirement plan of such individual in an aggregate amount not to exceed the amount of such distribution. The dollar limitations otherwise applicable to contributions to individual retirement plans shall not apply to any contribution made pursuant to the preceding sentence. No deduction shall be allowed for any contribution pursuant to this clause.

''(iii) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified reservist distribution' means any distribution to an individual if—

''(I) such distribution is from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii),

''(II) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)), ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

''(III) such distribution is made during the period beginning on the date of such order or call and ending at the close of the active duty period.

''(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph applies to individuals ordered or called to active duty after September 11, 2001, and before September 12, 2005. In no event shall the 2-year period referred to in clause (ii) end before the date which is 2-years after the date of the enactment of this subparagraph.''

(b) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking ''or'' at the end of subclause (III), by striking ''and'' at the end of subclause (IV) and inserting ''or'', and by inserting after subclause (IV) the following new subclause:

''(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(III) begins, and''.

(2) Section 403(b)(11) of such Code is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by inserting after subparagraph (B) the following new subparagraph:

''(C) for distributions to which section 72(t)(2)(G) applies.''

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

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

Mr. Speaker, after the attacks of September 11, 2001, more than 85,000 reservists were recalled to Active Duty. America's brave men and women who serve the Reserves and National Guard willingly leave their jobs and families behind when called to Active Duty. Many of these service people receive a military salary that is much less than their civilian salary, and their families are the ones who suffer the difference in income during their absence. The house payments go on; the grocery bills continue to pile up. Of the nearly 200 reservists on Active Duty in Afghanistan, Iraq and around the world, one-third have taken a pay cut in order to serve their country.

This bill will provide financial assistance to those reservists and guardsmen by allowing them to withdraw money from their IRAs without being penalized. By being able to use their savings when needed, they may avert some of the hardships that result from decreases in salary. This would allow servicemembers that extra bit of stretch in the family budget so they can avoid the financial squeeze that could challenge their ability to keep a business going, make rent payments and afford groceries. All of us know every bit helps, and when we think of the tremendous sacrifice these men and women are making to serve their country to keep us safe, this bill certainly deserves and is receiving great bipartisan support from both sides of the aisle.

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

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

Mr. Speaker, I rise in support of this bill, but I do so with a very, very heavy heart because what my dear friend, the gentleman from Florida (Mr. SHAW), has pointed out is the inequities that exist in this war and the lack of sacrifice being shared by so many Americans.

It is for that reason why I think that we have to take a look at the draft. We have to make certain that when we talk about bringing them on and we are not going to cut and run, that we are not just talking about people like these reservists that we are trying to help today, people who the gentleman from Florida (Mr. SHAW) pointed out cannot make their rent payment, families who are actually receiving charitable allocations of food.

I saw a family left behind as their husband and father was in Iraq standing in line receiving food and clothing because they cannot afford it because of the reduction in salary that the reservists suffer as a result of performing their heroic duty. They suffer loss of income, many of them do not get their decent jobs back, their families have lost health benefits, and what are we suggesting we do today? What are we suggesting that we do today? We are suggesting that these low-income people that are being placed in harm's way, that when they dip into their individual retirement funds, when they are forced to jeopardize their retirement because of their service to their country, that we do not compensate them for this dramatic economic loss, we do not say, hey, we know how many private citizens are going there getting 10 times your salary, we know what their health benefits are, we know what their death benefits are, we know what their compensation really is, we are not saying that we are going to adjust that. No, what we are saying is if they are forced to go into their family's retirement fund, they can dip into it as deep as they want, jeopardize the future fiscal support of their family, and we will not make them pay a penalty.

Well, I hope Members vote aye. I hope this passes by voice vote so we will not have to explain this big patriotic thing that we have done for our fighting reservists and National Guardsmen.

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

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

Mr. Speaker, I well understand the passion in the voice of the gentleman from New York (Mr. RANGEL). He served with great distinction in Korea, and he knows what those sacrifices are like.

□ 1145

But he is a cosponsor of this bill. Sometimes it is hard to get a bipartisan minute in this Chamber; however, I think that when we do have to ask for a vote, that we will be getting a great bipartisan vote.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ), the author of this bill.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for his efforts to bring this to the floor, and I thank the gentleman from New York (Mr. RANGEL) as well for being a cosponsor of this legislation.

There is certainly much to do. I recognize and respect that. It crossed my mind, though, that this is perhaps one step in the direction of the great bit that we have to do, and it is something we can do and do quickly to provide some relief to the many families that have been going through sacrifice, financial and certainly otherwise, at this difficult time.

The Guard and Reserve have a noble tradition. Some of our greatest American heroes have served in the Guard. George Washington, Abraham Lincoln, Paul Revere, and certainly Teddy Roosevelt were all members of the National Guard. In fact, Roosevelt's Rough Riders were a Guard unit.

Since September 11 alone, some 366,000 plus Guard and reservists have been mobilized, just since September 11, 2001. Currently on Active Duty there are about 167,000 Guard and reservists on Active Duty. I believe it was the gentleman from Florida (Mr. SHAW), perhaps it was the gentleman from New York (Mr. RANGEL), who cited an estimated one-third that took a pay cut, and it may be more than that, to make this huge sacrifice and, of course, put themselves in harm's way. It would seem one of the most disingenuous, ungrateful things that this Nation could do, and in order to maintain their life-style back home, their obligations back home, that their families then be penalized for tapping into

a retirement account. Recognizing again that there is much that could and, in fact, probably should be done relative to the expanded mission that we have now found ourselves in for our Guard and Reserves since September 11, 2001, this being but one step and the step that I hope this House and this body takes today in trying to provide some financial relief to those families.

This legislation is retroactive to any Guard or reservist that has been called up since September 11, 2001. It does sunset in 2005, but certainly is action that I hope, once we see the wisdom of, perhaps we can extend that into the future. Again, a step to take, not the final step, not the only step, but a logical step in providing some financial relief to those who have taken on such a heavy burden in serving this country in a time of need.

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

Let us move forward and take this small first step, but let us listen to other steps that we can take to really show the depth of our appreciation of the sacrifice that our men and women in the National Guard and the Reserves are making.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on Ways and Means.

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

The bill before us is not the least we can do. It is well beneath the least we should do. It is saying that if, when they are serving their country on extended deployment in the National Guard, they need to go into their retirement accounts to avoid family bankruptcy, that we are not going to charge them the penalty fee for early withdrawal of their retirement money.

I am going to support this legislation because grim reality is many of our soldiers and their families are in precisely this fiscal predicament. But the leadership on the that majority side that allowed this bill to come up on the suspension calendar had so many other options, I wish it had done something more meaningful. One of the options is legislation I have introduced, the Guard and Reserve Fairness Act, H.R. 3317, and let me contrast the rather pitiful step we are taking with this legislation to what is in this bill.

This bill, the Guard and Reserve Fairness Act, would allow those employers that continue to top off the pay of their employee who is on Guard deployment, it would allow them a tax credit for the dollars they advance holding the salary of their soldier level. This is a step we have to take to encourage employers to make the extra step so that their soldiers, their departed employees now on deployment, do not take the financial hit.

On Sunday night I greeted a planeload of returning guardsmen from about 15 months of very hazardous duty in Iraq as they arrived home in Bismark, North Dakota. It was quite a scene; tears of joy as families were reunited after all they had been through. But to think that we are putting them through, on top of everything else, great financial hardship because the pay in the military is below what so many of them are making in the private sector, it is just unacceptable.

So let us advance the step of doing much more than this so that we can avoid the financial hardship to our soldiers.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of this legislation before us today to allow the reservists and National Guard members to make needed withdrawals from the retirement accounts without the usual tax penalties. This will allow these families to adjust to the financial strain that extended deployment inflicts on soldiers and their families. But hopefully this is only the first step. This is a very small piece.

I would like to take this moment to announce the introduction by the gentleman from New York (Mr. RANGEL) and me of another simple piece of legislation to help our deployed soldiers. Under current law the refundable child tax credit provides a refund of 10 percent of taxable earnings over $10,000, but they have to be taxable earnings. We do not tax combat pay for deployed soldiers, unintentionally raising taxes for many families of soldiers deployed in Iraq or Afghanistan. Because of the quirk in the Tax Code, a soldier earning combat pay who is making under $39,000 a year with two children would actually be better off if their combat pay were taxed. This legislation we are introducing would fix this glitch and treat combat pay as taxable income only for the purpose of computing the family tax credit.

I urge my colleagues to support this bill before us today and to cosponsor the Rangel-Hooley bill to correct the inequities with combat pay and the child tax credit. All Members can sign up.

Mr. SHAW. Mr. Speaker, I yield myself 1 minute.

Very briefly, I think the gentlewoman brings up a good point, and I would point out to the Congress that this is a matter that is subject to conference right now on a bill that is in conference, and I certainly think this is an oversight. It was not thought of when the child care credit was initiated, and I have been told that it would be germane and would be subject to conference, and perhaps it would get good bipartisan support.

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

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

I would ask the gentleman from Florida might he extend that bipartisan to join with me in asking that the conference meets. Without a meeting there is no agreement.

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

Mr. RANGEL. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I think, as the gentleman knows, this is the Senate's call at this particular point.

Mr. RANGEL. Mr. Speaker, when the Senate does call, I hope that the minority be notified where the conference is being held, that we would be allowed to participate.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

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

Mr. LEVIN. Mr. Speaker, I support this legislation. I assume everybody else will. But let us recognize it as a baby step when we should be taking a much larger one, I would say a giant step.

I do not think any of us know enough about what is happening in the lives of the families of those who are serving, in many cases serving longer than they ever expected, and the hardship that is happening financially as well as otherwise to these families.

So we should be doing more than this. Indeed, we should have had a Committee on Ways and Means discussion of this, this bill did not come before us, to look at the panoply of legislation that we could be considering and enacting. One has been mentioned relating to the child credit. Another relates to the withdrawals from the IRAs. The penalty is now being taken care of. But how about when there is a recontribution to make up for what had to be withdrawn because people are serving, they are doing their duty, they are receiving much less pay, the families are living on much less? This was not expected. It was not something they could readily plan for.

So today we ought to be looking at this legislation as something that should be passed, but as something that should just be the opener in a full discussion in this House, in our committee, about the consequences that are being imposed really upon the families who are really in many cases in some economic distress. So let us just make this the beginning and not the end.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LANTOS), the senior Democrat on the Committee on International Relations, and one of the most eloquent voices that we have in this body.

Mr. LANTOS. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, the legislation we are considering today is the absolute

height of hypocrisy. H.R. 1779, the so-called Guardsmen and Reservists Financial Relief Act, is a sham, and it is an outrage. We are calling up members of our National Guard and Reserves, pulling them out of their regular employment, taking them away from their homes and families and communities, and asking them to risk their lives in the fight against terrorism in places like Iraq and Afghanistan. And what does the Republican leadership of this House propose to do in order to help them face the financial strain this call-up imposes on them and their families as they risk their lives for our Nation? This legislation provides the tiniest of tiny benefits. The bill allows the waiver of the early withdrawal fees as reservists and National Guardsmen and women use their own retirement savings, their own IRAs, in order to meet their urgent financial needs caused by their activation to serve our Nation.

This bill still requires that these brave men and women pay taxes on the money they withdraw. This means that a reservist in the 25 percent tax bracket would have to withdraw $10,000 from his own IRA in order to meet expenses of $7,500.

Instead of considering serious and substantive Democratic proposals to help those who risk their lives for all Americans, the leadership of this House continues to adopt grandly titled legislation which does little or nothing. At the same time, the Republican leadership continues to press for the top White House domestic priority, another tax cut for the wealthiest Americans.

Where is the shared sacrifice? Where is the effort to balance what all Americans are being asked to sacrifice as we fight the war on terrorism? Tax cuts for the wealthiest Americans, minute waivers of fees on early withdrawals for soldiers fighting and dying in Iraq and Afghanistan.

□ 1200

I cannot understand how the leadership of this House can shamelessly bring this tepid legislation to the floor and claim it benefits members of the Reserves and National Guard.

Months ago, Madam Speaker, I introduced H.R. 1345, bipartisan legislation supported by 80 Members of this body, that would provide real relief to the more than 40 percent of the National Guard and Reserves who suffer serious financial hardship when they are activated to serve our Nation. There are currently 170,000 Reservists and National Guardsmen activated to fight the war on terrorism, which means that 70,000 of them are attempting to get by on drastically reduced salaries.

Madam Speaker, the time has come to provide real assistance to these families. I challenge the Republican majority in this House to take meaningful action that will truly benefit the soldiers in our Reserve and National Guard units. It is time to stop playing with sham legislation like this bill that we are considering today.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Madam Speaker, I thank my colleague from New York for yielding me time.

Madam Speaker, today there are 171,917 National Guardsmen and Reservists on active duty. They are facing increasingly difficult circumstances with the most recent extension of the deployment of troops in Iraq. As a consequence of their service, many of our National Guardsmen and Reservists have been forced to resort to their savings, savings that are vital to the economic well-being of their families.

Many of our Guardsmen and Reservists have been forced to liquidated IRAs and other retirement accounts in order to pay their families' day-to-day expenses.

I am pleased that the bill we have before us today provides these servicemembers relief from the 10 percent penalty normally imposed on individuals making early withdrawals from those accounts. This relief is important, and I am pleased to support it as a first step.

Curiously, the bill does not take the next logical step, the next important step. While H.R. 1779 would permit the individual to recontribute the money to the retirement plan, the bill eliminates any tax benefit for the recontribution. As a result, individuals making those recontributions could ultimately face double taxation. They paid regular income tax on the initial distribution; they would have to pay regular income tax on the final distribution.

Madam Speaker, I am pleased today to support H.R. 1779, but only as a first step. These folks are risking their lives. Let us not force them to risk the financial security of their family.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD), a member of the Committee on Veterans' Affairs.

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

Madam Speaker, yesterday I learned that one member of the 133rd Engineering Battalion from my State of Maine was killed and four were seriously wounded when serving their country in Iraq. My thoughts and prayers are with these soldiers and their families.

Unfortunately, sacrifices like these make it very clear that the Guard and Reserve face the same grave dangers as other military personnel. They are an essential part of our total fighting force, and they deserve the best our country can give.

I believe this bill before us today is a good first step in the right direction, but there is still so much more we should be doing for our soldiers and their families. Instead of simply allowing them to pull out their retirement money early to help pay the bills, we should provide better pay and assistance for their families. Indeed, they face the same problems when they return home as other workers. Anyone who has been unemployed for an extended period should have the same ability to use their retirement funds to make ends meet. Even more important, Reservists must return home to a country that can provide good jobs for them so they can care for their families. That is the best way to honor our veterans.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND), a member of the Committee on Veterans' Affairs.

Mr. STRICKLAND. Madam Speaker, the leadership of this House should be ashamed to bring this bill to the floor. We are going to vote for it, obviously, because it is better than nothing, but it is nearly nothing.

The President said in his last press conference that he would tell the troops, whatever you need, we will provide. Well, it took the President and the Pentagon one full year, from March, when the war started, until March of this year, to ensure that all of our Guardsmen and all of our Reservists had body armor to keep them safe, and now we have Guardsmen and Reservists driving around in Iraq in Humvees that are not armored. They are getting their limbs blown off, and they are losing their lives by driving over these roadside bombs in unarmored Humvees.

The only company that has a sole-source contract to provide these armored Humvees for our military is in the State of Ohio. The vice president of that company came to my office and said, Congressman, we can produce up to 500 of these armored Humvees per month, but the Pentagon is only asking for 220.

We are doing something for our Reservists and our National Guard persons, but what we ought to be doing is providing them with life-saving equipment, and the President and the Pentagon and this Congress is failing to do that today.

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

Madam Speaker, I have to rise at this particular point. This is a bill that gives a single benefit to our wonderful men and women serving us in combat. This is not the end of the legislation. This is not the only bill. This is not enough to do for these service men and women. Nobody up here is claiming that.

This has nothing to do with body armor, it has nothing to do with Humvees, it has nothing to do with equipment. Those are things that are being addressed in another committee, and should be addressed. I cannot disagree with what is being said, but this is not the forum in which to make these types of allegations.

This is a very good step forward, and this is supposed to be one of the unusual bipartisan moments we would

have in this body. I really am very disappointed that we are getting so much negative debate on something that is, hey, not enough, but we are going to move it forward.

Madam Speaker, it is my privilege to yield such time as he may consume to the gentleman from South Carolina (Mr. BARRETT), the coauthor of this legislation.

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to support H.R. 1779, the Guardsmen and Reservists Financial Relief Act of 2003.

We live in a different world than we did 3 years ago. We now know our borders are not secure, the oceans no longer protect us from the rest of the world. Enemies in the past needed great armies, great industrial capacities and so many other things to endanger America. Now terrorists are organized to penetrate open societies and turn the power of modern technologies against us.

To defeat this, we must and will use every tool available to us: better homeland defense, law enforcement, intelligence and vigorous efforts to cut off terrorist financing and military power.

There is no doubt that our National Guardsmen and Reservists have been an integral part of our military power since September 11. The members and their families have sacrificed so much over the past 2 years. That is why I am proud to have worked very closely with the gentleman from Colorado (Mr. BEAUPREZ) to come up with a way to ease the financial burdens placed on our Guardsmen and Reservists families while they serve their country.

H.R. 1779 will allow military Reservists and National Guardsmen to make penalty-free withdrawals, listen to me now, penalty-free withdrawals, from their IRAs if they have been called for an extended duty time of more than 179 days. Reservists and Guardsmen will then be able to repay these withdrawals, penalty free, penalty free, within 2 years after the end of their duty.

It is my hope that this legislation will give some relief to the families who sacrifice day to day. You have seen them, and I have seen them. They are in everybody's district.

We want to help them to ensure our national security so we can defend our freedom. H.R. 1779 is just one way our Nation can thank them for what they do, each and every one of them every day. My thoughts and prayers remain with those who stand in harm's way, and may God bless each and every one of them.

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

Madam Speaker, let me take this opportunity to disagree in the most friendly way with the gentleman from Florida. This is the time for us to show our support for our Reservists and National Guard. This is the time for us to give you on the other side of the aisle an opportunity to show what package you would want to present so that we in a bipartisan way can present this.

It is no profile in courage for us to say you are now able to borrow money from your pension funds and have it penalty-free, penalty-free, penalty-free. Eighty-eight of the 704 people killed in action are Reservists and National Guard. Their families know that we have about 25,000 civilians over there that really get better benefits than they are getting.

So we are only using this as a vehicle to offer you the opportunity to join in a bipartisan way with a package that should sweep the patriotism of this House and to really say we are not remembering you in our prayers, but we are remembering you in the pocketbook where these people are suffering.

Madam Speaker, I yield one minute to the distinguished gentleman from California (Mr. GEORGE MILLER)

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

Mr. GEORGE MILLER of California. Madam Speaker, we are going to support this legislation, but let us understand something: this legislation is a monumental insult to our Guardspeople and our soldiers.

What we are telling them is we invaded Iraq, and now they have to invade their savings, that they have to invade their retirement plans and their savings to subsidize this war effort. Because their families are under serious economic stress to keep from losing their home or losing their car or defaulting on a loan, they must now invade their savings, contrary to every bit of piece of advice that they get from Merrill Lynch, from Goldman Sachs and everybody else about how you build a retirement account, that you do not invade it.

Many of these people do not have incomes that will allow them to restore the savings that they take out of here. So they are getting penalized. They are getting penalized by destroying their long-term retirement future to subsidize this war because we could not come up with a plan, this administration, to get them out of Iraq on time or to give them notice about how long they were going to spend there so their families could make adjustments.

What these sailors and soldiers and Marines need is they need some additional pay. They need interest-free loans. They do not need to invade their savings to subsidize this war. It is an outrageous thing that we would do this to these individuals, because so many of them are not going to be able to pay this money back.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means

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

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

Madam Speaker, I spent 26 years in the National Guard. I know what some of these people in the Guard and Reserve are going through. It is of little use, I think, for us to claim that we are giving a benefit to people when all we are saying to them is you can spend your own retirement money without penalty.

That is a really pathetic gesture to people who are the only people in the country, active duty, Guard and Reservists and their families, the only people in this country who have been asked to sacrifice anything, anything whatsoever. The rest of us, people my age, I am now retired from the National Guard, are told, you take a tax cut.

We send thousands of young people to Iraq and all over the world. ''We will make any sacrifice.'' No, we are not making any sacrifice. They are. We are told to go shop and take a tax cut to help the economy. They are the ones that are making the sacrifice, and it is a shame that this is all we can do.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from New York (Mr. RANGEL) has 1 minute remaining, and the gentleman from Florida (Mr. SHAW) has 11 minutes remaining.

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

Madam Speaker, because I am concerned about the feelings of the gentleman from Florida, and not believing that we can move forward on this in a bipartisan way, I am going to make an offer that I do not believe that he can refuse, and that is we have agreed that this would be a very small step in doing what we as Americans, we as Members of Congress would want to do.

□ 1215

We Democrats have a lot of ideas. We have a committee that is working on how we can best support our troops, National Guard, reservists and active. If his office would work with my office with the ideas that they have, maybe we can come together with a meaningful, a real meaningful, support bill to show how much we appreciate the extraordinary commitment that these men and women are making.

And so perhaps once a week I will come to the floor and call upon my friend, the gentleman from Florida, cannot we collectively do something so that we are not criticizing the minimum we do, but we be supporting the maximum that fiscally we can.

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

Madam Speaker, I will say to my good friend the gentleman from New York (Mr. RANGEL) that any time he wants to meet with me, I would be delighted to meet with him. Unfortunately, most of the problems that we have been hearing are in the Committee on Armed Services where, I might say, that that committee has a lot of good bipartisan effort within that committee. But I would be delighted to share any ideas that I might

have or that the gentleman from New York (Mr. RANGEL) might have including one that was spoken of earlier by the gentleman from California, and that is interest-free loans.

Madam Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I rise today in strong support of the Guardsman and Reservists Financial Relief Act of 2003.

First let me commend all of our fine troops at home and abroad for their efforts in the war on terrorism. I want them to know that America supports their unyielding commitment in protecting our country from the constant threat of terror. The terrorists will never let up in their pursuit to create devastation and chaos all at the cost of innocent civilians, and their lives, of course. And we cannot afford to lose this war, and we must remain steadfast.

Madam Speaker, there is no doubt that through this difficult and dangerous struggle, our National Guardsmen and military reservists have continued to serve our Nation with honor and distinction. The President and this Nation have called upon these brave men and women to help win this war, and they have answered.

Guard and reservists oftentimes leave behind not only their friends and family, but their private sector jobs. In doing so they may face a drastic cut in pay, placing their families in financial hardship.

While our reservists are fighting to protect the American way of life, facing daily threats from radical insurgents and terrorists abroad, here in Congress we must stand up and fight for those heroes here at home.

Madam Speaker, this is why I am a strong advocate for this legislation. H.R. 1779 will help the families of these reservists and guardsmen pay their bills while they continue to serve this country. I ask Congress to do the right thing today, pass this important bill for the brave men and women who sacrificed so much for our safety and security so that we can win this war.

Mr. SHAW. Madam Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, there is nothing wrong with this bill as far as it goes. What we are trying to argue here is we need to go further, particularly at this point in time. The gentleman mentioned the Committee on Armed Services. When we had the last supplemental appropriation on the floor, $87 billion, I offered a package of benefits that went to family assistance, family separation pay, imminent danger pay, Tricare for reservists, a number of different things that we could and probably will have to do because of recruitment and retention problems that we will face down the road, but should do out of gratitude for our troops and particularly our Reserve and Guard components.

So I hope we can get the cooperation of both sides of the aisle in crafting a package for the upcoming mark of the defense authorization bill which will address many areas here where things can be done positively that go far beyond this bill.

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

Madam Speaker, I say to the gentleman from South Carolina (Mr. SPRATT) that I agree with him more than I disagree with him. I think he puts a nice positive spin on the closing side on the minority side. Yes, we are not doing enough, but I think now every 2 years we go through this.

This bill which this body is going to overwhelmingly support, and I am going to ask for a recorded vote, it has been called the height of hypocrisy, it has been called a sham, an insult. One of the speakers said it was pathetic.

Let me come back to Earth here and go through exactly what this bill does do. I think this is very important. Generally distributions from IRAs or pension plans are subject to 10 percent early withdrawal penalty if made before the age of 59½. And there are some exceptions right now that are in the law, such as distributions made for catastrophic medical expenses or first-time home purchases. I think there is also an exemption on educational funds.

What this bill simply does, and I compliment the authors of this bill, it would waive the 10 percent early withdrawal penalty for military reservists and National Guardsmen who are called into Active Duty for more than 179 days. Amounts withdrawn could be repaid on an after-tax basis to an IRA within 2 years after leaving Active Duty status. The bill would apply to individuals called into duty after September 11, 2001, and before September 12, 2005.

The Joint Committee on Taxation estimates that this bill would reduce revenue to the Federal Government by approximately $4 million over 10 years. That is not, in the total scheme of things in this Federal Government, that is not a lot of money. The gentleman from South Carolina (Mr. SPRATT) knows this well. He is the ranking member on the Committee on the Budget and an expert on the minority side in this area.

It is the least we can do. Is it enough? No. Are we requiring people to take the money out of their IRAs? No. We are simply laying down another tool by which these families can help themselves. There are already many things that are in the law that protect our men and women who are called upon to serve. But are there enough things? Shall we continue to look for additional things? Of course we should. We owe them so very much. We can never repay the risks that they are taking, the sacrifices that they and their families are making.

GENERAL LEAVE

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

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STARK. Madam Speaker, I am in support of the Guardsman and Reservists Financial Relief Act.

The courageous Americans serving in harms way should not be forced to suffer for their services through unnecessary financial hardship. This legislation would allow members of the National Guard and Reserves deployed in extended duty in Iraq and elsewhere the opportunity to borrow against their 301(k) plans and retirement savings to make ends meet.

This bill may give reservists more flexibility to meet financial pressures. But President Bush and Republicans in Congress can—and must—do more for our troops who are making sacrifices on our behalf. They deserve better pay and better health care and benefits for their families.

Several thousands reservists who were on the verge of coming home from Iraq recently had their stay extended. By next month, the Pentagon expects reservists to make up 40 percent of the total force employed there. In fact, more than 325,000 Guardsmen and reservists have been activated since September 11, many taking a pay cut when called to active duty.

With the bill before us today, reservists aren't getting additional pay to help support themselves and their families. They're just being allowed to borrow against their retirement without a penalty—as if having to pay back their lost retirement savings later because of lost wages isn't penalty enough.

It is important to remember that most people who've joined the Guard and the Reserves never signed up expecting to be deployed on extended tours of duty. Yet, they have accepted that responsibility and served courageously in Iraq. But, let us not forget our reservists are still bearing the consequences.

Many families of Guard and Reserve troops have had to cope with lost income since their civilian salaries are suspended while they are on active duty. The military pay for most reservists is often far lower than their civilian job forcing many families to work overtime, use their savings or even go on welfare.

Rather than putting it on reservists to make up for this lost pay, Congress ought to pass the Equity for Reservists Pay Act, legislation I support to require federal agencies to pay employees the difference between their civilian and military wages while they are on active duty. Congress ought also extend military pay raises. We ought to extend the child tax credit to low-income families of those serving in Iraq or Afghanistan.

Although I support this legislation, Republicans have sadly missed the mark today. This just doesn't repay our troops for their service. But, I'm not surprised considering that President Bush wants to cut imminent danger pay and separation allowances, putting our troops further in the hole.

I urge my colleagues to pass this legislation today. But this should not be the last step this Congress takes to help those brave Americans who continue to sacrifice for our nation.

Mr. SPRATT. Madam Speaker, H.R. 1779 amends the Internal Revenue Code of 1986 to allow penalty-free retirement account withdrawals for national guardsmen and reservists called to active duty for an extended, and further authorizes a 2-year period to reimburse their accounts up to the amount withdrawn. I think you would be hard pressed to find a Member of Congress who opposes this low cost bill to benefit our troops. My only question is: Shouldn't we do more? The answer is clearly yes. I agree in spirit with this bill, but when I compare it with what the troops truly deserve, I'm reminded of the commercial, "Where's the beef?" come up short. The mere fact that we are considering legislation that allows guardsmen and reservists to withdraw funds from their retirement accounts indicates the problem. A solution for this problem must include more "beef" than simply allowing our service members to borrow from their long term savings to meet their short term obligations. A true solution lies in the form of better benefits.

Our troops, both active and reserve need and deserve better family separation and imminent danger pay. Reservists serving in Afghanistan and Iraq need TRICARE military health coverage. Retirees deserve better survivor benefits for military widows and our military families deserve better housing.

Recent events in Afghanistan and Iraq highlight the perils of war. In the FY03 Emergency Supplemental Appropriations bill, imminent danger pay, additional compensation provided to servicemen and women in combat zones, was raised to $225 from $150 a month. The family separation allowance, which goes to help military families pay rent, child care or other expenses while service members are away, was raised from $100 to $250 a month. Congress should act now to make these increases permanent. This will show our troops that we are aware of the hardships they face not only in the field, but also at home.

The Supplemental Appropriations bill also provided limited and temporary TRICARE benefits for Reservists. It stopped short of providing expanded health care benefits to members of the selected reserve and certain members of the Individual Ready Reserve and their families.

Representative JEFF MILLER's bill to end the survivor Benefit Plan (SBP) widow's tax has 303 co-sponsors, but may never make it to the floor for a vote. Congress should act on this important legislation.

We have thousands of service members and their families living in substandard housing. The Military Housing Privatization Initiative (MHPI) was passed to remedy this injustice. A spending cap was set as a safeguard. We anticipate reaching the spending cap by November 2004, and the problem has not been solved. We must raise or eliminate this cap in order to continue this necessary program.

Instead of rewarding our troops and retirees with tangible benefits, the legislation we are debating today simply permits select Reserve Component members to borrow their own money in the short term at the expense of their long term goal of a comfortable retirement. While H.R. 1779 allows a two year period to replace the withdrawn funds, I am doubtful that a financial strain that would require tapping one's retirement savings would permit complete reimbursement within 2 years. We can do better for the men and women of the world's greatest military. Rather than simply removing the 10 percent penalty for early retirement account withdrawal, I urge my colleagues to support a permanent increase in imminent danger pay and the family separation allowance, provide adequate funding to include reservists in TRICARE, eliminate the SBP widow's tax, and raise or eliminate the MHPI spending cap.

H.R. 1779 is a low cost morale booster for our troops in the field, and I urge its passage today. However, the mere fact that we are considering this measure highlights a bigger and more lasting problem for our troops. Mr. Speaker, I will vote yes on this bill, but I urge my colleagues, especially the Republican Majority to follow up H.R. 1779 with the more meaningful and substantive legislation I have outlined, which is specifically spelled out in the "Military Benefits Proposal," which I am attaching and submitting for the RECORD. This list contains benefits I proposed when the $87 billion Supplemental Appropriation was offered last year. Unfortunately, the Rules Committee did not make my proposal in order as an amendment. I intend to offer many of these benefits again when the Defense Authorization Bill is marked up in Committee and considered here on the floor.

MILITARY BENEFITS PROPOSALS

Hostile Fire/Imminent Danger Pay: Makes increase from $225 per month to $250 per month permanent.

Family Separation Allowance: Makes increase to $250 per month permanent.

Hardship Duty Pay: Increases from $300 per month to up to $600 per month during FY2004.

Eliminate Out-of-Pocket Housing Costs: Accelerates from 2005 to 2004 the final year of the bipartisan effort to increase the Basic Allowance for Housing to completely cover average out-of-pocket housing costs for military families living off base.

Family Assistance Centers: Provides $48 million for increased demand on family assistance centers for National Guard and Reserve to assist with problems related to increased deployments.

Transition Assistance for Disabled Servicemembers: Provides $50 million to enhance DOD–VA transition programs for disabled servicemembers.

Deployment Notification to Reservists: Directs DOD to provide maximum advance notice to mobilized Guard and Reserve personnel on the timing and duration of their duty.

Small Business Loans for Reservists: Provides $25 million for loans or loan guarantees for reservists whose small businesses have been disrupted by their mobilization.

Vocation Development for Reservists: Provides $25 million for SBA grants for vocational or technical training for reserve-owned small businesses.

Mr. KIND. Madam Speaker, I rise in support of this legislation, H.R. 1779, the Guardsmen and Reservists Financial Relief Act, which will allow members of the National Guard and military Reserve forces to make penalty free withdrawals from retirement accounts if they are called to active duty for an extended period of time.

Our National Guard and reserve forces are playing a leading role in our operations abroad. Nationwide, over 325,000 members of the Guard and reserve have been called up to active duty since September 11, 2001. Serving in Iraq and elsewhere, these service members have fought side-by-side with their Active Duty counterparts in often difficult and dangerous conditions.

Over the past year, I have had the opportunity to meet with many National Guard and Reserve members and families from Wisconsin who have been called up in support of operations Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq. Members of the 229th Engineer Company out of Prairie du Chien and Platteville, the 829th Engineer Detachment out of Richland Center, and the 652d Engineer Company out of Ellsworth all recently returned from yearlong deployments in Iraq. Their sacrifices, and those of their families, are greatly appreciated by Wisconsin residents.

With many Guard and Reserve members taking large pay cuts when called to active duty, it is proper that Congress act to relieve this additional burden. The legislation before us today helps by allowing activated Guard and Reserve members to withdraw money from retirement accounts without penalty.

While this legislation assists those Guard and Reserve members and families who need financial assistance to make ends meet, it is only a minor step. I, along with many other members of Congress, support additional tax relief for military families, pay increases for certain personnel, health care improvements, and reenlistment bonuses for members of the Reserve Component.

Our military commitments in Iraq and throughout the world are not likely to diminish in the near future, and the Defense Department expects Guard and Reserve units to make up about 40 percent of our total force in Iraq by May 1, 2004. With this in mind, we need to do all we can to support the men and women of the Guard and Reserve who are called to active duty and their families.

My thoughts and prayers are with those serving our country overseas, as well as their families. America is firmly behind our troops, and we are all hoping to see them home safe, secure and soon.

May God continue to bless the United States of America.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 1779.

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. SHAW. 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.

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. 3970, by the yeas and nays;

H.R. 4030, by the yeas and nays;
H.R. 3147, by the yeas and nays;
H.R. 4019, by the yeas and nays;
H.R. 1779, by the yeas and nays.

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

GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3970, 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 Georgia (Mr. GINGREY) that the House suspend the rules and pass the bill, H.R. 3970, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 14, not voting 17, as follows:

[Roll No. 121]

YEAS—402

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

NAYS—14

Cubin
Davis, Jo Ann
Duncan
Everett
Flake
Hensarling
Hostettler
Jones (NC)
Miller (FL)
Musgrave
Otter
Paul
Pence
Tancredo

NOT VOTING—17

Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
John
Kingston
Lewis (KY)
Quinn
Ros-Lehtinen
Tauzin
Toomey
Velázquez
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1250

Mr. TANCREDO, Mrs. MUSGRAVE, Mr. EVERETT, Mrs. CUBIN, and Messrs. PENCE, MILLER of Florida and OTTER changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

CONGRESSIONAL MEDAL FOR OUTSTANDING CONTRIBUTIONS IN MATH AND SCIENCE EDUCATION ACT OF 2004

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and passing the bill, H.R. 4030, 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 Michigan (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4030, 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 411, nays 7, not voting 15, as follows:

Roll No. 122]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
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
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
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
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
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
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
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
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Flake
Franks (AZ)
Hensarling
Hoekstra
Paul
Pence
Shadegg

NOT VOTING—15

Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
Kingston
Ros-Lehtinen
Schrock
Tauzin
Toomey
Velázquez
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1258

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JAMES V HANSEN FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3147, 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3147, 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 418, nays 0, not voting 15, as follows:

[Roll No. 123]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
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)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
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
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
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
Olver
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
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
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)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Doolittle
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
Kingston
Ros-Lehtinen
Slaughter
Tauzin
Toomey
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1306

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4019, 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 Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4019, 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 416, nays 0, not voting 17, as follows:

[Roll No. 124]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
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
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
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
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
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
Olver
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
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
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)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Cannon
Conyers
Feeney
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hinojosa
Hulshof
Jefferson
Kingston
Radanovich
Ros-Lehtinen
Tauzin
Toomey
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1314

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1779.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 1779, 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 415, nays 0, not voting 18, as follows:

[Roll No. 125]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
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Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
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
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
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Graves
Green (TX)
Green (WI)
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Gutierrez
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Hall
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Hastings (WA)
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Hyde
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Isakson
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Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
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Kennedy (MN)
Kennedy (RI)
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King (IA)
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Larsen (WA)
Larson (CT)
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LaTourette
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Lewis (CA)
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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
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
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Murphy
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Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
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Norwood
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Oberstar
Obey
Olver
Ortiz
Osborne
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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
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
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Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
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Spratt
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Tancredo
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Taylor (MS)
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Thompson (CA)
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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)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Feeney
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hinojosa
Hulshof
Jefferson
Kingston
Otter
Radanovich
Ros-Lehtinen
Ruppersberger
Tauzin
Toomey
Weller
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1322

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. OTTER. Mr. Speaker, unfortunately I missed the vote on H.R. 1779 "Guardsmen and Reservists Financial Relief." Had I been present I would have voted for this bill.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker on rollcalls No. 124 and 125, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. HARRIS of Florida. Mr. Speaker, today, during rollcall vote No. 121 on H.R. 3970, I was unavailable for the vote. Had I been present, I would have voted "yea." During rollcall vote No. 122 on H.R. 4030, I was unavailable for the vote. Had I been present, I would have voted "yea."

During rollcall vote No. 123 on H.R. 3147, I was unavailable for the vote. Had I been present, I would have voted "yea." During rollcall vote No. 124 on H.R. 4019, I was unavailable for the vote. Had I been present, I would have voted "yea."

During rollcall vote No. 125 on H.R. 1779, I was unavailable for the vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FRELINGHUYSEN. Mr. Speaker, Wednesday, April 21, I was in my district in New Jersey attending services associated with the funeral of LT John Wroblewski (United States Marines) of Jefferson Township. On rollcall No. 121, H.R. 3970—Green Chemistry Research and Development, I would have voted "yea." On rollcall No. 122, H.R. 4030—Congressional Medal for Outstanding Contributions in Math and Science, I would have voted "yea."

On rollcall No. 123 H.R. 3147—James V. Hansen Federal Building Designation, I would have voted "yea." On rollcall No. 124 H.R. 4019—To address the participation of Taiwan in the WHO, I would have voted "yea." On rollcall No. 125—H.R. 1779, Guardsmen and Reservists Financial Relief Act, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4090

Mr. ENGLISH. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4090.

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

There was no objection.

PLAY THE TAPES

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

Mr. MCDERMOTT. Madam Speaker, it is time to play the tapes. Members of the administration seem to be rewriting history. The Secretary of State does not remember that the President forgot to tell him about the secret run-up to the war in Iraq. The Secretary of War does remember he often says what Bob Woodward quotes him as saying, but the Secretary cannot remember saying at that time. What is a person to do?

If the President were faced with this predicament, he would consult a higher authority. Our higher authority is closer, and he can speak without the need of a burning bush. Mike Wallace said on "60 Minutes" Sunday night he heard the tapes and read the transcripts for the book "Plan of Attack." There is a record.

If Mike Wallace can listen to the tapes, so can we. The House should have hearings for the American people. The secret war is not secret any longer. Let Americans decide what the truth is. Play the tapes in open session. Let the truth be heard, not staged.

THE PRESIDENT'S POLICIES ARE NOT WORKING

(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. Madam Speaker, the numbers are out again. Ohio and most of the rest of the country continue to lose manufacturing jobs. One out of six manufacturing jobs in my State has disappeared since President Bush took office. The President's solution and the solution for our government continue to be the same: more tax cuts and trickle-down economics tax cuts for the most privileged in our country with the hope that maybe some will trickle down and create jobs. That has not worked, or more trade agreements like NAFTA which ship jobs overseas, which does not work. The President refuses to extend unemployment compensation benefits to millions of Americans, literally over a million Americans who have had their unemployment benefits run out in the last 4 months; and the President refuses to extend those.

Madam Speaker, we should extend unemployment benefits, we should pass employment agreements that create jobs, and instead of tax cuts for the wealthy, we should do focused tax cuts that reward those manufacturers that create jobs in this country.

IMPLEMENT SYRIA ACCOUNTABILITY ACT

(Mr. ENGEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include therein extraneous material.)

Mr. ENGEL. Madam Speaker, several months ago now the President signed the Syria Accountability Act, which was passed overwhelmingly by this House and the other body. Since that time, however, the act has not been implemented; and I believe, as do the vast majority of Members in this House and the other body believe, that the time is now to slap sanctions on Syria.

Just the other day, the word came out from Iraq that Syria was allowing weaponry to come from Syrian territory into Iraq and guerrillas to come from Syrian territory into Iraq to do harm to American troops. Syria has not patrolled its border and has allowed these anti-U.S. guerrillas to come in and kill our troops.

Also, the other day in Jordan a plot was discovered where poison gas was to have been released and there was to be an attack on the U.S. Embassy in Amman, Jordan. It was documented that this gas and these attacks came from Syria across the border into Jordan.

Syria is a major sponsor of terrorism. Syria illegally continues to occupy Lebanon, has a weapons of mass destruction program, and, as I mentioned before, is allowing its border to be used by terrorists to come into Iraq to do harm to U.S. troops. Those are the four things that this bill, the Syria Accountability Act, called on Syria to end. Syria has not ended, and the President should implement the sanctions immediately.

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.

ARE WE SAFER NOW?

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

Mr. BURGESS. Madam Speaker, we are here in this House; and it is our duty, it is our obligation to debate the important questions of the day, and that is one of the unfailing obligations of this House.

One of the questions I hear asked, particularly from the other side, but sometimes from my side of the aisle, are we safer now than we were a year ago? Are we safer now than at the time we went into the country of Iraq? I just think back to a year ago and what was going on in my congressional office here in Washington. And I look out over the floor of the House, and I see a gas mask under every seat. Truly in March 2003, we were concerned about the possibility of a poison gas attack within our country. And, of course, one of the reasons for that was because there was country that was very much opposed to us who had a history of using that type of weapon in an offensive pattern different from any other world leader. So as we debate these points now, are we safer now than a year ago, we would be wise to remember what was going on in this body a scant 12 or 13 months ago.

As preparations were made for what eventually became Operation Iraqi Freedom, I was not in this body when the vote was taken. I am a newcomer to Congress, but certainly I recall during the fall of 2002 and during the early months of my first term when we could not get the time of day out of Saddam Hussein unless there was a gun held to his head.

As a consequence, the President of our country, who is now being called to task by the 9/11 Commission for not being aggressive enough, not having enough of a criminal mind ahead of time to envision the type of attacks brought against this country on September 11, 2001, our President is being criticized for not having the ability to foretell that kind of unthinkable act against our country. But at the same time, as the run-up to Operation Iraqi Freedom was going on, Iraq was perceived as a gathering threat. We knew in the past they had held weapons of mass destruction. No one in this House or on the other side of the Capitol seriously questioned that. The previous administration did not seriously question that, nor did the United Nations seriously question that.

□ 1330

But at the same time, in order to get just the ability to get the inspectors who had been kicked out in 1998, just the ability to get them back in the country, we had to put 150,000 troops on the border. When we do that, the clock starts ticking because in that part of the world, in order to have a military exercise, we are just not going to be as successful if we put off doing that until the summer months.

And I remember very well the talking heads and the pundits, before I came to Congress and after, talking about if Bush is going to do something, he needs to do it soon. We cannot let the clock fritter away while the weather gets warmer over there and it makes it even harder on our troops who may have to don protective gear to protect them from chemical attacks.

Again, the 9/11 Commission currently is criticizing the current administration and the previous administration, but the real loser in that criticism is the Bush administration because the Clinton administration is not running for reelection. But the 9/11 Commission is criticizing the President for not having a creative enough criminal mind to anticipate the types of attack that came to our country.

I have been to Iraq twice myself during this past year, and I know many other Members of this body have been there as well. I wanted to share with the House of Representatives this afternoon a picture from the air base just north of Kirkuk in Iraq. This is a picture that I did not take. It was taken by a man named Doug Cox, a man down in my district who is actually a member of the Corps of Engineers, and he was one of the first groups in there with Operation Restore Iraqi Oil, or Operation RIO, and he took this picture off the wall of the air base in Kirkuk, and this was a picture used presumably for training or for whatever purpose by the Republican Guard generals who were in charge of the air base there in Kirkuk before we took it over. And it shows an Iraqi gentleman standing, looking off across the countryside, and we see a depiction of the map of the United States of America. We see a man standing there with either a cowboy or a pilgrim hat on, and in his heart is the cross hairs of this man's intellect, and pointed against the United States of America we see an Iraqi tank, we see an Iraqi jet, and we see Iraqi missiles.

There was no question in their mind what their intent was when they made this picture, when they used this picture to educate or indoctrinate their troops of the Republican Guard that were stationed at the Kirkuk airfield, and I simply want to remind my colleagues in this body it is our responsibility to question. It is our responsibility to have oversight. But we do need to be careful when we cross that line and provide aid and comfort to the enemy and give them additional embellishments to take on the kind of terror that they have done in the country of Iraq this past month.

COMMUNICATION FROM STAFF MEMBER OF HON. HENRY WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. BURNS) laid before the House the following communication from Kimonia Alfred, staff member of the Honorable HENRY WAXMAN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States Tax Court, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

KIMONIA ALFRED.

OUR TRADE POLICY WITH CHINA

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

Mr. DEFAZIO. Mr. Speaker, today Chinese Vice Premier Wu is in town

meeting with Commerce Secretary Evans and Trade Representative Zoellick. This would give the President a chance to right mistake number seven of his administration, which is trade. The United States last year ran over a $500 billion trade deficit. We have exported hundreds of thousands of manufacturing and now high-technology jobs outsourced under the Bush administration. And their response has been, from the President's chief economist Mr. Mankiw, this is a good thing, it is efficiency.

It is not a good thing. It is not efficiency. Americans need jobs. We need an economy. We need an industrial base. That is wrong-headed thinking.

So today they have got a chance in meeting with Vice Premier Wu to rectify the mistake of their trade policies. The mistake is at the insistence of President Bush, this Congress voted to give China, the Communist Government of China, permanent most favored nation or special trade status.

We gave up the right to annually review their compliance with trade laws. Big mistake. But the President said, Do not worry, I have a plan. Yes, he is right. They are stealing our products and our intellectual property left and right. Yes, they have violated five agreements on stealing our intellectual property and our products over the last 5 years or 7 years. But he had a plan. He was going to put them in the World Trade Organization because the President is big on rules-based trade.

So the President got his way. China is now in the World Trade Organization, and guess what? Last year, according to statistics of the Chinese Government, let alone our own government which will not talk about these things, they counterfeited and stole between $20- and $24 billion of U.S. products and intellectual property. Those are the numbers of the Communist Chinese Government about how much they are stealing.

Has the President filed one, one single complaint in his rules-based trade organization, the WTO, against the theft of product, property by the Chinese Government? No, not a single one. Yet I have a company in my district, Videx. Their company not only had their property stolen by China, they were totally cloned. The Chinese put up a fake Website to attract people with a little waving American flag on it, saying they were an American company, made an inferior product, have stolen the Chinese market, and now are stealing the Asian market from this American company.

I thought this is a no-brainer. The President likes rules-based trade. So I appealed to the Commerce Secretary and to the President. I said, help this company. They are not big enough to fight the Government of China. And the response was, no, we will not help that company because the big companies in the United States who are manufacturing in China do not care about the theft of property. In fact, they think it might hurt their interest in accessing cheap labor and avoiding environmental laws and outsourcing jobs to China. So the Bush administration will not lift a hand to help Videx. The only response we have gotten was Lou Dobbs and Moneyline, and after my company Videx was on Lou Dobbs and Moneyline, they got calls from all over America, from other small businesses who have been stolen blind by the Chinese Government. And the response of the Bush administration is to do nothing.

They are having meetings today with Vice Premier Wu. She is going to give them the same empty assurances the Chinese have given us for the last decade: Oh, we will stop stealing $24 billion a year worth of our product, sure. Do my colleagues believe that? I do not believe that, and I cannot believe that the President or his administration believes that. So what they should do today is tell the Chinese they are in the WTO, they said they would follow the rules, they are not, and that we are informing them today if they do not shape up by next week, then we are going to the WTO with complaints on the theft of products from Videx and dozens of other small companies across America.

This is an administration that supposedly cares about small business, yet when small business is being robbed blind by the Chinese, and big business says, hey, do not upset the Chinese apple cart, we are manufacturing really cheap over there, $1-a-day labor, now they might get upset with us, and they might charge us $1.25 a day for the labor over there, or they might even let them have a labor union or something else.

Help America's small business. Help them to fight the Communist Chinese Government. Help stop stealing America blind. Help stop stealing our industrial and intellectual base, and help turn around the international trade deficit. That is a mistake the President can begin to undo today in these conversations with Vice Premier Wu.

THE ANNAN PLAN FOR CYPRUS

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

Mr. BILIRAKIS. Mr. Speaker, for all of my 22 years in Congress, I have constantly and loudly proclaimed the need for a peaceful reunification of the Republic of Cyprus. That unification must be just and balanced.

Thus I rise here today to voice my serious concerns with the Annan plan for the reunification of Cyprus. I believe that the final version of the plan which was submitted on March 31, 2004, is unbalanced and biased against the Greek-Cypriots.

There are a number of provisions in the Annan plan that do not alleviate the basic fears of the Greek-Cypriot community. These concerns were not appropriately resolved and may very well lead the Greek-Cypriots to reject the Annan plan. Security issues regarding the number of troops that will remain on the island and clarifying the Treaty of Guarantee to exclude military intervention are two major concerns for the Greek-Cypriots because Turkey insists that it will continue to have the right to intervene militarily in Cyprus. This Turkish arrogance increases the Greek-Cypriot fear of a repetition of the 1974 invasion and its tragic consequences.

The plan also would permit the vast majority of approximately 115,000 Turkish settlers who are now illegally in Cyprus to stay in Cyprus. At the same time, the plan sets complicated and restrictive provisions regarding the right of Greek-Cypriot refugees to return to their homes in the north. Additionally, the Annan plan makes the eventual return of territories from the northern part of the island to the Greek-Cypriot constituent state dependent upon the goodwill of Turkey and Turkish-Cypriots.

On the issue of property rights, the Annan plan allows for one-third restitution and two-thirds compensation for property owned in the north by Greek-Cypriots who will be losing the use of their properties. The funds for the restitution and compensation will be guaranteed by the Federal State and the Constituent State. Since nine-tenths of the Federal State's resources and 100 percent of the Constituent State's resources will be derived from Greek-Cypriots, they will be paying for, to a large extent, their own loss of property.

Mr. Speaker, in closing I would like to state that the Greek-Cypriots are asked to trust, to trust the Turkish Government and to have faith that the Turkish-Cypriot leaders will keep their promises. The problem is that since 1974, neither the leaders of the Government of Turkey nor Mr. Denktash has ever given the Greek-Cypriots any reason to trust them.

Each side will decide whether the plan would be beneficial for them and for the future of their children. Even though both sides knew they were not going to get everything they wanted, each side was guaranteed a fair plan and one that would be immediately functional. Unfortunately, I do not believe the Annan plan is balanced, and we should not be surprised if the Greek-Cypriot people do not support it.

The Cypriot people hold the future in their hands. During this difficult time, it would be inexcusable, Mr. Speaker, for foreign governments or organizational heads to exert excessive pressure or to issue ultimatums to the people and President of Cyprus to vote one way or the other. They must be free of pressure and free to vote with their conscience. If the plan is voted down, it would be an indication that the Greek-Cypriots, whose country suffered an illegal invasion in 1974, and a community which has for three decades advocated for a settlement, felt that they

would be giving up far more than they would be gaining, and that cost, Mr. Speaker, is just too high.

MISTAKES MADE IN THE WAR WITH IRAQ

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

Ms. SCHAKOWSKY. Mr. Speaker, in the last press conference, the President was asked if he had made any mistakes and what lessons had he learned. And what the President said was, I wish you had given me this written question ahead of time so I could plan for it. I am sure historians will look back and say, gosh, he could have done it better this way or that way. I am just not sure something will pop into my head here in the midst of this press conference with all the pressure of trying to come up with an answer, but it has not yet.

So kind of as a public service, a number of us are coming down to the floor to offer, for the President's consideration, a list of some mistakes that he might want to call up so he does not have to fumble around for an answer at the next press conference, if he has another public press conference.

One of the things that actually is surprising to me that this mistake happened at all, given what we know now, is the long lead-up to the war in Iraq, that they actually had been planning, and bases were being built, and air space to land was being constructed, was a failure to provide the troops with the protection they needed when they were put into harm's way. It surprises me that that mistake was made.

In some cases mistakes have been somewhat corrected, we think; so it would not even hurt the President to mention the fact that as recently as last October, a quarter of our troops in Iraq were lacking in the ceramic-plated body armor that would deflect the bullets that were coming their way. We are told that that has been corrected, although as recently as just a few weeks ago, families are still buying those at about $1,500 a crack for their soldiers just to make sure that they are well equipped. But we know that still the Humvees do not have the proper armor, some of them still do not have the proper armor. A helicopter was shot down that did not have the missile detector that helicopters are supposed to have in order to be fully equipped.

□ 1345

I met the aunt of one of the soldiers who died in that last Sunday. She would think that that was a mistake that the President made and something he might want to mention.

He could have talked about a mistake making soldiers pay for their travel home when they would come on rest and recreation, R&R. In order to get to their homes once they were landed in the U.S., they were paying their own way. That, I understand, has been corrected.

Or we just heard yesterday from the 333rd Military Police Unit in Freeport that was supposed to be coming home this week, that in fact they got redeployed; but all their equipment, their personal foot lockers, had been sent home, and now the families, at their own expense, are shipping the equipment back to their soldiers. They are having to buy all new uniforms. It seems that was a mistake in planning, according to some of the families. Maybe they could have planned better. That is a mistake, and it could be corrected somewhat, at least to reimburse the families that are having to ship back.

But it is not just those soldiers that are in harm's way, who are losing their lives now, unfortunately, sadly, horribly, in record numbers in the last little while; but it is the veterans. Again, it is astonishing that this President would not make sure that at the very least those who come home are well taken care of.

There was a mistake, and it has been corrected. He could cite that. Our wounded soldiers were being charged for food at the hospitals when they came home. Incredible. Now that has been fixed; they are not being charged for that food. But many were languishing with inadequate care in Army barracks when they came home.

Then, right now, this minute, 30,000 veterans are waiting 6 months or longer for appointments at VA hospitals, new increases are proposed in the cost of veterans health care for up to 1 million veterans, and long-term care funding has been slashed. It is really incredible.

What the veterans organizations are saying is that actually the amount of money allocated to veterans is millions of dollars short of what it needs to be. The gentleman from Texas (Mr. EDWARDS) actually has a proposal that would add $2.5 billion for veterans health care. The President could acknowledge that it is a mistake to mistreat our veterans, and he could support the bill of the gentleman from Texas (Mr. EDWARDS) to restore that money.

He could do something about the fact that he has been refusing to end the survivor benefit penalty. There are a lot of things, a lot of mistakes. We think the President ought to acknowledge some of them and fix them up.

ADDRESSING THE SHORTAGE OF MEDICAL LABORATORY PERSONNEL

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

Mr. SHIMKUS. Mr. Speaker, today I rise to call attention to a piece of legislation that I introduced, along with my colleagues, the gentleman from Illinois (Mr. JACKSON) and the gentleman from Florida (Mr. BILIRAKIS), to address the shortage of medical laboratory personnel, H.R. 623.

The United States is facing a severe and increasing problematic shortage of qualified laboratory personnel. Many rural areas and areas served by smaller hospitals are finding it increasingly difficult to recruit and retain qualified laboratory workers.

The vital role medical laboratory professionals play in health care must be recognized. Between 70 to 75 percent of all medical diagnoses are based on laboratory test results. But because these important health care practitioners seldom have direct patient contact, their important role in health care often goes unnoticed by patients. Ensuring that our Nation's laboratories possess the human resources, that is, laboratory professionals, to accurately process laboratory testing demands is critical to patient health.

The U.S. Department of Labor projects that approximately 13,200 medical laboratory professionals will be needed each year through 2010. Unfortunately, fewer than 5,000 individuals are graduating from accredited training programs each year.

The bill includes a scholarship program to help students meet their academic education and clinical training expenses. It provides for loan forgiveness by working in areas designated as having a shortage of medical laboratory personnel or allied health practitioners. In addition, this legislation establishes a program to provide awards to individuals who teach medical laboratory science.

These are just a few of the important measures created in H.R. 623. I would encourage my colleagues to join me in supporting this legislation.

MISTAKES THE PRESIDENT HAS MADE

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

Mr. BROWN of Ohio. Mr. Speaker, 8 days ago at the Presidential news conference, only the third he had done in prime time since he has been President, the President was asked just sort of an obvious question that we all deal with from time to time in our lives, political or not, tell us about one of the biggest mistakes you have made.

The President kind of looked a little deer-in-the-headlights and he said, ''I am sure something will pop into my head here in the midst of this press conference, but with all of the pressure of trying to come up with an answer, it just hasn't yet.''

We would today like to try to help the President, not because we want to criticize President Bush, but because we want to help him learn from his mistakes.

We see several of the mistakes here, from veterans cuts, to trickle-down tax

cuts for the wealthy, to trade that the gentleman from Oregon (Mr. DEFAZIO) talked about, to helping keep our soldiers as safe as possible that the gentlewoman from Illinois (Ms. SCHAKOWSKY) talked about.

I want to talk for a bit about Medicare, not the fact that the bill, they told us it would cost $400 billion, it will cost $534 billion. That was sort of a purposeful mistake from the President. Not about Medicare privatization, that mistake. Not about the gap in coverage, that if you have $5,000 in drug costs, the government only pays $1,000 of it, you have to pay $4,000 out of pocket. The mistake I want to talk about is not even the fact that the drug and insurance companies wrote that legislation.

What I want to talk about is the specific prohibition in the bill that clearly the drug industry, the President at the behest of the drug industry, inserted into the bill that prohibits the government from negotiating the price of prescription drugs.

Now understand, the Canadians pay a lot less than we do for prescription drugs because the Canadian Government negotiates directly with the drug company on behalf of 29 million citizens of Canada to get the best price. But this legislation, written by the drug companies, excuse me, written by the President, this legislation expressly prohibits our government on behalf of 39 million Medicare beneficiaries, prohibits our government from negotiating the best price for our Medicare beneficiaries. That is why we pay so much for our prescription drugs.

Now, when the Architect of the Capitol bought the carpet in this room, he did not take the manufacturer's word that a fair price would impair carpet fiber research and then pay whatever the carpet company wanted. When the Park Service buys rangers' uniforms, it does not take just the first bid, no matter how expensive.

But with drugs, the President and his allies in the drug industry and his friends that run the House of Representatives, the Republican leadership, they say the government must pay any price the drug industry wants to charge. That is why Lipitor costs $763 here, but $438 in Canada. That is why Fosamax costs $797 here, an anti-osteoporosis drug, mostly for women, but only $323 in Canada. That is why Tamoxifen, a breast cancer drug, costs nine times in the United States what it costs in France, even though U.S. taxpayers paid for much of the research through the National Institutes of Health to develop those drugs.

Now, this policy, this mistake, this mistake on Medicare that the President made that says we are not going to negotiate price, we are going to let the drug companies charge whatever they want, this mistake is a joke on the American people; and the drug companies are laughing all the way to the bank.

Perhaps the reason for this Presidential mistake, the Medicare prescription drug Presidential mistake, is the fact that the millions of dollars have come from the drug industry to the Republican Party, and the word on the street is the drug industry is going to give President Bush's reelection $100 million.

A GROSS EXAMPLE OF STATE-SPONSORED DECEPTION

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

Mr. HINCHEY. Mr. Speaker, our great country has sustained itself for more than 2¼ centuries because of the brilliant construct of our government, and the essential ingredient in that construct is the separation of powers.

Ultimate power does not reside in any one place. You have the executive branch, the legislative branch and the judicial branch, each with equal powers. It is the responsibility of the legislative branch to make the laws and then to oversee execution of those laws by the executive branch. The question that ought to be on the mind of every American today is to what extent is the legislative branch of this government, the Senate and the House of Representatives, carrying out its responsibilities under those separation of powers. I think when you begin to look at that question, you find that we are not doing a very good job at all.

The most recent example of that, of course, is the revelation that we have had in a recent book that the administration spent $700 million, apparently illegally, that was allocated for Afghanistan, took that money and spent it in preparation for the war in Iraq, when they said they were not engaging in any such preparation. That is a grave deceit. It ought to be investigated by this Congress thoroughly and completely. But it is not the only deceit with regard to the war in Iraq.

We were told when the administration sent their resolution here to the Congress that we had to go to war in Iraq because of weapons of mass destruction. We have found no weapons of mass destruction more than a year later; no stockpile of chemical weapons have been found more than a year later; no mobile weapons laboratories have been found more than a year later. There is no uranium from Niger in Iraq.

Saddam Hussein was not an imminent threat, nor was he a grave and gathering threat. He was not in league with Osama bin Laden. The two were hostile to each other and antagonistic to each other.

What we have here is a gross example of state-sponsored deception. The Founding Fathers realized that this kind of condition could express itself at one time or another during the history of our administration; and, in fact, there have been times when it has, perhaps never as gravely as it has under the present set of circumstances. But they set up a procedure to deal with it, and that procedure is in the hands of the leadership of this House of Representatives.

But, unfortunately, the separation of powers that has served this country so well for more than 2¼ centuries has now morphed itself into a monolithic government, where the leadership of this House takes its orders almost on a daily basis from the White House and there is no oversight of executive actions. There apparently is little or no oversight of executive spending.

So we go on, stumbling forward, blindly. Now more than 700 American servicemen and -women killed in Iraq in this illegal, unjust and unnecessary war; thousands of Americans maimed, injuries they will carry for the rest of their lives, if indeed their lives are not shortened thereby; tens of thousands of Iraqis, perhaps hundreds of thousands, including innocent women and children, killed.

Where is the oversight? Where is the action that is supposed to come from this House of Representatives in examining these illegal, unnecessary actions on the part of the executive branch? Have we not seen enough? When are we going to go into action? When are we going to live up to our obligations under the Constitution? When are we going to do what is necessary to sustain this great democratic Republic?

We need action now. We need an end to the monolithic government and a return to the historic separation of powers which has served this country so well.

AN UNJUST, UNPROVOKED WAR

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

Ms. WOOLSEY. Mr. Speaker, it has been a little over 1 year since the President of the United States, without just cause and without being provoked, invaded Iraq. Over 700 Americans have given their lives for this war, roughly 10 each week, not to mention the thousands wounded, the billions of dollars spent, and the international good will squandered.

This is the same President Bush who last week could not think of a mistake he had made. We were told that this war was necessary to keep us safe. We were told Saddam Hussein had the world's most dangerous weapons and could strike at any moment.

□ 1400

Now even the President has made tacky jokes about looking for the missing weapons of mass destruction under his White House sofa. That was certainly an insensitive mistake.

In fact, the President's appetite for belligerence and bloodshed only weakens us, it makes us more vulnerable, encouraging further violence and increasing the risk of nuclear destruction.

The President's inaccurate declaration about Iraq's weapons of mass destruction capabilities are not just incompetent, they are immoral. And what a mistake that was.

There has to be a better way, and there is, one that emphasizes brains instead of brawn, one that is consistent with American values. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral American Response to Terrorism. We need to stop the spread of weapons of mass destruction, and keeping the American people safe must be our highest priority. On that point the President is not mistaken, but he is wrong, wrong to equate our security with aggression and military force. Just because you have a hammer, not every single problem is a nail. The United States possesses the world's largest hammer in the form of its mighty military, but some situations require a more delicate touch.

SMART security calls for aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements and vigorous inspection regimes. The United States must set an example for the rest of the world by renouncing the first use of nuclear weapons and the development of new nuclear weapons.

We must maintain our commitment to existing international treaties like the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, the Biological Weapons Convention and the Chemical Weapons Convention.

To be smart we would support and adequately fund programs like the Cooperative Threat Reduction Program, which works with the Russian Federation and the states of former Soviet Union to dismantle nuclear warheads, reduce nuclear stockpiles, secure nuclear weapons in Russia. And we must replicate this program in other troubled regions like North Korea and Iran, because it is a mistake to believe that every country will proactively choose to give up its nuclear program. In the long run negotiations with other countries will keep us much safer than believing we can scare them into submission.

The Bush doctrine has been tried, and it has failed. In fact, it is a huge, huge mistake. It is time for a new national security strategy. SMART security defends America by relying on the very best of America, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. SMART security is tough, pragmatic, and patriotic. SMART security is smart, and it will keep America safe.

SAN JACINTO DAY

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

Mr. GREEN of Texas. Mr. Speaker, today marks the anniversary of the Battle of San Jacinto, the victory of the independence for Texas, and the greatest, most diverse State in our Union.

Proving its timeless value as a story of political struggle and personal heroism, the Battle of the Alamo has been made into another feature-length motion picture, ''The Alamo,'' by Disney, not doing as well at the box offices we have, but I bet you it is doing well in Texas.

I encourage all Americans to learn and relearn this important historical story.

On this day I want to enter into the CONGRESSIONAL RECORD two newspaper articles from the Baytown Sun and the Pasadena Citizen that are newspapers in my district regarding the tremendous devotion and expertise of the San Jacinto reenactors, many of whom are my constituents. These folks have committed tremendous amounts of time and resources to providing an educational service to our community, and some of these reenactors have gone so far as mastering the original Mexican Army drills in the original Spanish, and many were involved in the production of the Disney film ''The Alamo'' as consultants and extras.

The story of San Jacinto occurs less than 60 days after the fall of the Alamo. On April 21, 1836, exactly 168 years ago today, approximately 900 Texans and Tejanos of the Texan Army overpowered a large and better trained Mexican Army. I say Texans and Tejanos because the struggle for Texas independence was not between Anglos and Hispanics.

For example, noted Tejano patriot Captain Juan Seguin commanded a cavalry company during the final victory at San Jacinto and later became a senator in the Republic of Texas. For those people that have seen the movie ''The Alamo,'' they will remember he was sent out from the Alamo seeking reenforcements and against his wishes was told to stay away so he could live to fight another day at San Jacinto.

One of the main proponents of the Texas Revolution was Lorenzo de Zavala, who served in the Mexican Government until the military dictator General Antonio Lopez de Santa Anna abolished the Mexican Constitution of 1824. Zavala, a former Mexican citizen, went on to become the first Vice President of the Republic of Texas.

Less than 100 years after American patriots threw off the tyrannical British Empire's military domination, Texans and Tejanos succeeded in a similar struggle against a military dictator, General Santa Anna. In the words of the Texas Declaration of Independence, the people's government had been ''forcibly changed without their consent from a restrictive Federal republic, composed of sovereign states, to a consolidated military despotism.''

As Sam Houston and other Texas delegates signed the Texas declaration of independence, General Santa Anna's army was besieging the Texans and Tejanos at the Alamo in San Antonio. The Alamo fell on the morning of March 6, 1836, when Lieutenant Colonel William Barrett Travis, former Tennessee Congressman David Crockett, and approximately 200 other Texans and Tejano defenders were killed in action.

The Mexican Army was full of confidence after their hard-fought victory at the Alamo, and Texan forces were in retreat, but in late April 1836 they chose not to flee to the safety of Louisiana and instead turned to fight on the banks of the bayous outside of Houston, Texas. In fact, the San Jacinto battleground is in the new congressional district that I am receiving.

On the afternoon of April 21, 1836, the two armies were camped near one another, but the Mexican Army, confident of its superiority, failed to post guards during their afternoon siesta. They underestimated the determination of the Texan army in its fight for an independent nation and were totally unprepared for the surprise attack. As a result, the nation, and then the State of Texas, was born. Like the American Revolution, the Texan Revolution brought many different people together fighting military oppression.

A misconception of the Texas war for independence is that the conflict was a case of Anglos versus Hispanics. But accurate Texas history tells us that Hispanics who had long lived in Texas mostly did not refer to themselves as Mexicans, but instead thought of themselves as Tejanos. Tejanos inhabited Texas long before Mexico existed, and they lived there for the same reason Anglos later moved there, for freedom and productive land.

Many folks were happy under Mexican rule until General Santa Anna's forces began plundering areas of Texas, and then Tejanos and Texans both reacted with revolution.

It is inspiring to me that many Tejanos joined the fight for independence when the Mexican Government became an exploitive military regime. The brotherhood of freedom can be stronger than the brotherhood of nationality, as Tejanos proved at Gonzalez, Bexar, Goliad, the Alamo, and also along the banks of the San Jacinto River, and in this the government of the Republic of Texas.

Like the American patriots in 1776, Texans did not create a perfect State with their independence. It would not be until June 19, or Juneteenth, 1865, that Texas' African American citizens achieved the freedom that is an inalienable human right. Every Juneteenth we remember that struggle for equal rights is long and difficult, and demands our own enduring commitment.

On San Jacinto Day we celebrate the achievements of Texan and Tejano patriots, and renew our commitment to preserving our represented government, freedom, and human civil rights.

Mr. Speaker, at this point I will include for the RECORD the two newspaper articles that I previously mentioned.

[From the Baytown Sun, Apr. 7, 2004]

RE-ENACTING HISTORY

(By Carla Rabalais)

'''Let me die in the Alamo. Just let me get shot in there,' I pleaded. But I was a Mexican officer, and no Mexican soldier died inside the Alamo.''

Don Herlitz is a Baytonian, but most of all he is Texan, or Texian, or Mexican captain, depending on the year in which he's operating.

Re-enactors aren't strapped to the same calendar that most of us are. They have the privilege of operating in both the past and the present and with Disney's ''The Alamo,'' set for release Friday, local re-enactors like Herlitz will also have a presence in the future.

The film stars Dennis Quaid, Billy Bob Thornton and Jason Patric. Already this week three sneak previews have unfurled in Houston.

Crowds who lined up for those free seats were greeted by local reenactors ready and willing to talk about their acting experience and field expertise . . . locals like Herlitz and his wife, Marie, Pete Juarez, Allen Hutton, Clabert Menard of Dayton and David Pomeroy of Pasadena.

''That's what we do,'' Marie said. ''We talk to people about Texas history and we show them what it looked like.''

The re-enactment window reveals all history's facts, from the mundane to the explosive, like period clothing, hand-sewn with home-spun cotton; cooking styles, with no electricity, gas or running water; toys and games, which often doubled as useful equipment; and weaponry, including home-fashioned muskets, gunpowder and knives. The common denominator in every category is ''authentic.''

Mexican artillery is one of Herlitz's specialties. He has re-enacted Texas history for almost 20 years, but for the past seven has portrayed a 19th century Mexican soldier. In the Alamo, that expertise earned him an officer's role in Santa Anna's army.

''Many of the re-enactors played both sides during the movie,'' Herlitz said. ''I really wanted to—I even brought my Texian clothes with me—but they wouldn't let me switch.

''That's all right, though,'' he laughed. ''After seven years of shooting at Davy (Crockett), I finally got to die beside him in the next film.''

''The Alamo'' united many reenactors, but that battleground wasn't their first time together and it certainly wasn't their last. In fact, since ''The Alamo'' completed filming last year, some reenactors have participated in two additional films, including the one Herlitz named. That film is ''Remember the Alamo,'' a documentary that aired on the history Channel this spring.

David Pomeroy served as a site resource, re-enactor, and cook—along with his wife, Cait—for the two hour documentary. The business manager of Pomeroy Energy volunteers his time and knowledge for of the San Jacinto Battleground Association and is the author of ''Pasadena: The Early Years.''

''There are eyewitness accounts and there are myths that enhance the Alamo story,'' he said, ''and in some cases the two contradict. The documentary addresses those historical issues.''

Contradictory accounts of the Alamo were not the only issues re-enactors face as they re-create turning point battles in Texas history. To accurately re-enact, they had to study history from multiple sources, not just American ones. In their study, they came face-to-face with facts they never were taught in grade school.

''The Alamo is a boiling pot of ideas and views,'' and Herlitz, ''You can't just go by what a history book said, because it's tainted by political attitudes. 'The Alamo' is a lot broader story and I think those issues will come out more in the director's cut of 'The Alamo' '' DVD.

''You see, those men on the inside of the Alamo were trying to create a new republic, and the men on the outside were trying to preserve a young republic. Who the heroes are just depends which side of the wall you're standing on,'' he said.

Allen Hutton of Baytown agrees. The pyrotechnician has re-enacted since he was 12 years old and has worked in the entertainment industry with movies like ''American Outlaws'' and ''the Patriot''. In ''The Alamo,'' he portrays both a Mexican first sergeant and a Texian first sergeant.

''As a kid I learned the Alamo was about big, mean, mad Santa Anna against the poor innocent Texians,'' he said. ''But the Mexicans weren't just 'bad guys,' they were protecting their country's land. Think of it in modern terms: What would we do if some of Saddam Hussein's guard came here and settled in a town and then said, 'This is our land now and you can't control us'?

''I don't want in any way to minimize the sacrifices made by the Texians, but the Mexicans had a side too,'' he said.

Herlitz and Hutton filled similar roles in ''The Alamo''. Both were involved in the movie a year before actual filming took place and both were Mexican officers who trained hundreds of extras during three-day boot camps.

Herlitz and his wife spent six months camping in a canvas tent, cooking on an open fire, near Dripping Springs, where the movie was filmed. Hutton camped on the set for five months while his wife stayed in Baytown preparing for the birth of their first child.

As Mexican officers, the two Baytonians were required to learn maneuvers from an 1830s military guide written in Spanish. Not modern Spanish, not Castilian Spanish, but a colonial Spanish that is now obsolete. Or almost obsolete.

An extra who had come from New Mexico recognized the language. His native dialect is a preserved form of colonial Spanish, so he translated the book for the actors and trainers. The drills Herlitz and Hutton learned became second-nature to them.

''I can still tell you the (gun-) loading procedure in proper Spanish,'' said Hutton.

During boot camp, they trained hundreds of extras. One of those was Clabert Menard of Dayton, who was singled out for the Texian side as an expert marksman.

''I ended up helping to train about 40 guys under me,'' Menard said. ''The more experienced re-enactors they put next to the stars and told us to keep the other guys from running in front of them.''

Menard, like many of his peers, has re-enacted since his teens. He has represented many characters in his historical career, including World War II soldiers, a French and Indian trader and a Texas Army scout.

''I just want to eat, drink and sleep history,'' he said. ''We can replicate anything, except the fear of death.''

One of his favorite activities is to spend weekends hiking 15 to 20 miles into the Texas wilderness with nothing but his 1820s era gear. He used those items in ''The Alamo'' as well, including two of his homemade weapons, a flintlock musket and French pistol.

''I knew I could depend on my own gear,'' he said.

The boot camp involved marching drills and training stations for learning stunt-fighting, horseback riding, ladder manipulation, artillery use and firing orders. The extras weren't the only ones who grew accustomed to the orders, said Herlitz.

''The horses learned what the word 'Action!' meant, so whenever they heard it, whether they were supposed to move or not, they took off,'' he said. ''So we had to have new commands for starting the filming, like 'Go!' or eventually, 'G-o!' ''

Herlitz and Hutton recall one moment in their six month experience on ''The Alamo'' set that gripped both their memories.

The film's director, John Lee Hancock of Texas City, had been filming the Mexican siege on the Alamo for several nights. But he held back the final attack where the wall would be scaled and the Texian army killed. That would be filmed on the exact anniversary of its occurrence, March 6, at 5:30 a.m.

The actors filmed through the night March 5 and into the next morning's hours. But moments before the final siege, the entire set observed 13 minutes of complete silence, one minute for each day of the Alamo siege, in memory of those who lost their lives, both Texian and Mexican. Then at 5:30 a.m., the storming began.

''Whatever hardships we had to deal with during the filming were all worth it right then,'' said Herlitz. ''To be a part of that moment was something I will always remember.''

''When I do a job, I don't go to seek fame or rub shoulders with stars,'' said Hutton. ''It's just a job and you concentrate on doing it well. But that moment brought it all together. That was as close as I will ever come to experiencing the reality of the Alamo.

''Many of our guys were moved to tears. They were on the Mexican side, and they saw it, too, as part of their heritage.''

Local re-enactors who participated in ''The Alamo'' and other living history events hope that the new movie will have a ripple of positive effects through our state and nation.

''I hope it will get more people excited about history,'' said David Pomeroy. ''Then historical venues will have more response and in turn receive more educational funding.''

''It's all for the kids,'' said Herlitz. ''As a re-enactor, I believe children don't understand what price was paid for freedom. The fertilizer to the tree of liberty is the blood of the patriots. Someone has to be willing to put their life on the line—for you to have the freedom to go downtown and buy a $200 pair of tennis shoes. The Alamo is an excellent example of the price people were willing to give—the ultimate sacrifice.''

Some children are understanding that concept.

''I never really thought about the Alamo, but when I saw the actual building and stood inside it, it was neat,'' said fourth-grader Cody Fisher. ''A bunch of people were lost there fighting for what they believed in.''

''There were brothers fighting each other, and whole families coming apart,'' added Cassie Perez, also a fourth grader. ''They wanted freedom.''

''I think if I had lived back then, and I was a little bit older,'' said Cody, ''I think I would have fought for the Alamo.''

David Pomeroy encourages families to ''See the movie, then come smell the smoke.''

On April 24, a re-enactment of the battle of San Jacinto will be held at the San Jacinto Battleground State Historical Park. This year the re-enactment will be accompanied by a living history festival. Local re-enactors from ''The Alamo'' will be onsite to autograph photos and talk about their filming experience. Festival hours will be from 10

a.m. to 6 p.m. with the battle re-enactment at 3:30 p.m.

[From the Pasadena Citizen, Apr. 14, 2004]

POMEROY CONTRASTS REALITY, HOLLYWOOD

(By Gloria Walker Smith)

Using the latest movie of The Alamo as a backdrop, Texas history expert and Pasadena native, David Pomeroy, brought an educational and entertaining program to the Bay Area A&M Club luncheon.

Focusing primarily on Texas history between 1820 and 1845, Pomeroy surprised the audience with a history pop quiz, where the winners received Alamo movie posters. Since Sam Houston is so much a part of any mention of Texas history, it was noted that Sam Houston IV is from Galena Park, which spawned a comment that Constable Bill Bailey was also from Galena Park and 'does that have any significance?'

Since Pomeroy has been involved in the making of this Alamo movie from its inception, (even back when Ron Howard visited and originally planned to make the film), he had many insider comments about the preparations, the actual filming, the actors involved and the differences in their personalities. One amusing story contrasted the behavior of Dennis Quaid (Sam Houston) and Billy Bob Thornton (David Crockett). At the end of each filming sequence, Thornton was most definitely ''one of the easy-going run-of-the-mill'' cast members, so he was very popular. On the other hand, Quaid dismounted his horse and headed for his tent, without any interaction. Consequently, the group almost 'hated' him for being so conceited. When filming was finally over, the cast saw a totally different Quaid, who was well aware of their previous feelings toward him. He explained that he found it necessary to remain completely immersed in his character throughout production.

One glaring omission to a historian was the lack of mention of the earlier battles at Gonzales, Goliad and Zacotecas, significant in their own right.

''It has been suggested that it would take a mini-series to adequately tell the story of the Texas war for independence,'' said Pomeroy. ''Had there not been the battle at San Jacinto, much of the Alamo story would have been forgotten.'' The fact that so many made a conscious decision to stay and die, if necessary, for what they believed, makes the defenders stand out. And die, they did. Sam Houston had advised the leaders to abandon the Alamo, but Bowie, Fannin and Travis said no.

Going back centuries in history, Pomeroy traced the conquests in the area to the Spanish, who came first, then the French and then the English, each of whom took the land from the Indians and each other. Along came the American Revolution and later, the French Revolution—struggles to free citizens from the tyranny of rulers across the ocean.

In Mexico and the Spanish southwest, the people were determined to overthrow the foreign emperor, and Santa Ana headed this movement. After driving out the Spanish emperor and establishing a constitution, Santa Ana then installed himself as emperor and threw out the constitution. Originally, the Texians did not seek to leave Mexican authority, but wanted to be a separate state, instead of being part of the state of Coahuila. Santa Ana refused in the strongest terms and so began the Texas War for Independence.

Much like the American Revolution, the ''colonists'' in Tejas were facing a military trained in European-style. The Texicans were a rag tag bunch, out-numbered, out-trained and out-gunned. However, they had the home-court advantage and used methods far more suited to the territory than the more formal strategies employed by the Mexican generals.

Also attending the luncheon was Stan Wojcik, a fellow San Jacinto battle re-enactor. Wojcik was wearing an outfit that he sewed himself—deerskin britches, coarse vest and calico shirt. He has even made his wife a period costume for re-enactment programs. Although a very recent ''Texan,'' Wojcik has become fascinated and knowledgeable about the San Jacinto battle.

During his appearance, Pomeroy was completely in character with his ''almost stove-pipe'' beaver hat, calico shirt and powder horn.

Responding to questions about the changes to be made to the San Jacinto Monument area, Pomeroy gave a brief overview of the plans to return the area to a more historically-correct look, with an emphasis on the educational value. Adjacent industries have donated land to affect many of the changes, which will eventually double the size.

On April 24, from 10 a.m. to 6 p.m., the San Jacinto Day Festival and Battle Reenactment will feature all-day exhibits, hand-on history activities for children, including an archaeological dig, as well as celebrity historians and authors. The admission is free and food booths will be available. For more information, call (281) 479–2421 or visit www.sanjacinto-museum.org.

Mr. Speaker, God bless Texas and these United States.

WE MUST NOT ABANDON THE KURDS

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

Mr. McDERMOTT. Mr. Speaker, the casualties in Iraq are a bitter reminder of the truth and consequences of war whether you oppose it, as I do, or wage it, as the President has.

As America grieves over our losses, we should also grieve over the losses suffered by the Iraqi Kurds in a war that went largely unnoticed in this country. In fact, this is not the second Gulf War, but the third in our memory.

After the first Gulf War, America pulled out of Iraq, leaving Saddam to reorganize his henchmen. They did more than take names; they took hostages, and they look lives, thousands of lives. It can happen again.

After the first Gulf War, we established a no-fly zone, but we did not disarm Saddam's Republican Guard, and we did not destroy his lethal helicopter gunships, killing machines used not against Americans, but against Iraqis. The outcome was a blood-drenched record of atrocities. At least 8,000 Kurds were massacred by Saddam and his henchmen after the United States withdrew from Iraq, having urged them to rise up. The Kurds cried out for help, but no one listened, and no one saw.

The war was over, then-President Bush number one declared. Victory was at hand. We marvelled at the stories told, many untrue, of how U.S. technology had spared lives, reduced casualties, and proved America's warmaking superiority. The satellite images showed everything except the coming slaughter of these peace-loving people.

The Kurds represent about 20 percent of the Iraqi population. They have their own language and culture. Although Muslim, they are not Arab. Historically they have lived in the mountainous regions of northern Iraq in an area around Kirkuk. This region holds about 7 percent of the world's known oil reserves. The vast oil wealth represented around Kirkuk has always been a motive for Saddam and other ethnic Iraq groups to act. Remove the oil by removing the Kurds. Saddam used every opportunity to hunt them down and eliminate them. But America is barely aware of the suffering Saddam inflicted on these people.

While the President never found weapons of mass destruction in Iraq, Kurds would tell you that the President would have found evidence of mass murder. Kurds fear, and we should, too, that it could happen again. Kurds fear, and we should, too, that if the U.S. pulls out on the 30th of June, it will not take long before the killing begins again.

We should never have left the Kurds alone after the first Gulf War, and we must not leave them alone after June 30. The date is meaningful only for the President's political ambitions. We know what happened the last time we pulled out of Iraq. We cannot do it again and silently sanction a new outbreak of unspeakable crimes again the Kurds.

The Kurds deserve liberation. The Kurds deserve protection. The bloodshed we see daily in Iraq reminds us of the country's instability. It should be a warning of the bloodshed that will come if America forsakes its responsibility to Iraq and all the Iraqi people, all the Iraqi people.

We must stay the course. Stay past June 30. Stay until the Kurds are safe, until Iraq itself is a safe place. We owe Iraq and the world nothing less. By declaring war we took responsibility for the future of Iraq. We cannot walk away and throw it open to the chaos that we have created.

It was our warning to the President when we started, winning the war, the military part, that will be pretty easy because we have a tremendous fighting force. But as for establishing the peace, that is where the trouble is. The President never planned for it.

He ignored the State Department's efforts to do that. He ignored everybody's warnings. General Shinseki said it will take 300,000 troops. They said, shut up, and they fired him because he told truth. Anybody who tried to tell him the truth coming into this was discarded or shuffled off or put somewhere else.

We are about to do it again because the President wants to have another sign that says ''Mission Accomplished, Democracy Delivered.'' You could have a little ceremony somewhere and hand some paper around, I guess. It reminds

me of a scene in Vietnam when the United States declared victory and left off the roof of the embassy. We must not let that happen again.

□ 1415

WAR ON SAVINGS

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

Mr. GEORGE MILLER of California. Mr. Speaker, just a few minutes ago before the House finished its legislative business, we passed legislation that would allow National Guard members and Reserve members to take money out of their IRA accounts and not have a penalty on those individuals. When they do that under current law, if you invade your retirement account, you pay a penalty if you do that because we are trying to encourage people to keep their savings intact so they can build a retirement fund.

It is outrageous that the best we can do for these National Guard and Reserve families that are under incredible economic strain because members of their family are serving longer tours in Iraq than they had planned to, that those who are scheduled to get out of the Reserves in the Army cannot get out because of the stop order.

So those people have been without those incomes for many months now, they have not been able to meet the obligations of their families. Their home mortgages are threatened. Their car payments are threatened. Loan payments are threatened. And we are telling them that they must invade their retirement savings in order to continue to subsidize the war in Iraq. It is unbelievable that we would do this.

So the Reserves and the National Guard members from my area, from the San Francisco Bay area, are being told that after we invaded Iraq they must invade their savings because we need them to continue to serve in Iraq. So the penalty they pay is that they are going to lose their retirement benefits down the road. Many of those people in the Reserves, many of these people in the National Guard do not have the kind of incomes that will let them then replace the 5, 10, 15, $20,000 that they wanted to borrow from their IRAs. So for the sacrifice they have made to defend this country in Iraq, they have to lose retirement benefits in the future years. It is unbelievable that we would think that this is an answer to their problem.

This government could extend them interest-free loans. This government could give them additional pay if they are kept in the service beyond their contract date. If they are kept in Iraq beyond the original time frame, we could provide them additional pay.

At the same time we are giving tax cuts to the wealthiest people in this country, we are asking our service people who are in harm's way, who are getting killed, who are getting maimed, who are getting injured in so many ways that they have to invade their savings so that they can keep their families together while they are protecting this country.

I cannot believe that that is the response of the Republican Party in this Congress, that that is the benefit that we are going to provide these families and these soldiers who are making this sacrifice on our behalf. Now, mind you, all of the advice that these soldiers had when they started their IRA accounts from their employment, from Goldman Sachs, from Merrill Lynch, from Charles Schwab is do not ever touch your retirement savings because the sooner you start and the longer you do it, the better chance you have at retirement where you will be secure. But because, unfortunately, they have joined the armed services or because, unfortunately, they cannot get out of the armed services because of the war on Iraq or because they have been sent to Iraq to fight the war for longer than they have anticipated or they were told was going to happen, they must now take their savings and try to support their families with that.

I cannot believe that is what a grateful Nation would do to these individuals; but that is the bill that just passed. We all voted for it. We want to do whatever we can to help them, but that cannot be the response of this Nation to these military families that find themselves in this kind of economic stress. How cynical of an approach that somehow we cannot help these families out beyond saying they will not have to pay the penalty for destroying their savings. Well, the minute they touch those savings, they are being penalized because they are giving up retirement benefits in the future.

This Congress owes our National Guard members, our Reserve members better than that, and we owe their families better than that. And we ought to correct this and correct it immediately because these families, the financial stress is continuing because of this war on Iraq. And we ought not to have them go into financial ruin because they have defended this country, because they have served this country, because they answered the call of this President.

HONORING VALLEY COMMUNITY SCHOOL

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

Mr. CARDOZA. Mr. Speaker, I am honored today to have four students in attendance here from Valley Community School in Merced, California. Valley Community School, led by its principal, Jill Macha, is an alternative education program that serves at-risk youth throughout Merced County. I had the privilege of visiting Valley Community School in October during Red Ribbon Week festivities, and it left an impression with me and had a positive impact on alternative education and the impacts it was having on the students there.

However, I also had a very moving experience while I was visiting. I see school groups in my district frequently, but nothing compares with the interaction I had with the students at Valley Community School that day. After the Red Ribbon Week assembly was over, a group of children, young people, came and met with me. Many of them were products of the foster care system, just like those who are fortunate enough to be here in Washington today.

During our 90 minutes together, I heard many of their personal stories from the students that would shock anyone who cares. They told me about some of the horrible conditions that they had encountered as they moved from placement to placement in foster care. They told me about situations that have gotten them in trouble. They told me about a lot of things that I thought I would never hear or even have to hear from young people: abuse, neglect, domestic violence, sexual assault. These kids have been through more unfortunate events at a younger ages than most of us will ever go through in a lifetime. Many of them had begun to get tougher than they ever should have to become just to survive. But, ladies and gentlemen, in all their eyes, I saw a glimmer, a glimmer of hope, the glimmer of hope that I see, frankly, in all young people's eyes. But it was one that moved me even stronger than normally because these kids had had such a tough life.

They wanted to talk about and overcome their problems. They wanted people to become aware of the flaws in our foster care system, and they wanted people to understand how important it is for them just to have a stable home. I want the students of Valley Community School who are watching back in Merced to know that people really do care about them and the problems they are going through. Their principal, Jill Macha, is one of those people. They lead an alternative education program at the school that is one of the sources of stability for those kids in that situation, and stability is what they desperately need.

But, ladies and gentlemen, there is much work to be done. I am committed to working on improving our foster care system and the support network for children who are left behind. I hope my colleagues will take the time to learn more about the kids like those who are at Valley Community School and join me in the effort. I know that if they do, we can have a better understanding of the enormous challenges that at-risk kids face and that we can actually do something to improve their situation.

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

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

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

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

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

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

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

(Mr. HENSARLING 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 Kansas (Mr. MORAN) is recognized for 5 minutes.

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

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

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

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

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

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

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

SPECIAL ORDER VACATED

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from New Jersey (Mr. PALLONE) is vacated.

There was no objection.

THE CASE FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I rise today in the discharge of an idea that began for me in September of 2003; and now today it has its fourth manifestation, a series of remarks on the floor of this Congress that I simply call ''The Case for Life.''

My inspiration for today's discussion, which is entitled ''The Case for Life: Abortion and the Problem of Pain,'' was inspired not by a contemporary in this Congress, though I just came from a meeting with really the intellectual and moral father of the pro-life movement in this Congress, the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, who simply referred to my humble efforts on the floor and those of colleagues who will join me as, in his words, ''a great idea.'' But it was not from the gentleman from Illinois (Mr. HYDE) that I drew my inspiration for these series, but rather from another distinguished gentleman who served in this body from the years 1827 to his death on the House floor in the year 1848. That was the late Congressman and the former President, John Quincy Adams, who history recorded after he served as President of the United States for a term in the early 1820s, he actually felt compelled to return to Washington, D.C. from his home State of Massachusetts as a member of the House of Representatives, truly an extraordinary exercise in public service.

One can scarcely imagine a former President in the modern era becoming a Member of Congress after he served in the Oval Office. But John Quincy Adams was not an ordinary man. His father before him, John Adams, was our second President. John Quincy Adams was considered one of the great moral and intellectual minds of the 19th century and is considered so to this day. But he came to Capitol Hill, Mr. Speaker, not simply, as some get wrongly accused, to occupy a chair. He came here on a mission, a mission encapsulated in a book I am reading now entitled ''Arguing About Slavery.'' Because when John Quincy Adams came to the Congress of the United States he did so as a Northerner, a former President himself, the son of one of the founders of this country, and a man who believed that the scourge of slavery was a blight on this Nation and threatened its greatness and threatened its destiny.

So as history records, Congressman John Quincy Adams came often not to this floor, but to the floor of the Congress just down the hallway, every few weeks for the nearly 20 years he served in this body to speak about one issue, and that was the issue of the abolition of slavery.

Now, one would argue that having died in 1848, John Quincy Adams could scarcely point to any accomplishment in his life ending slavery; but there, Mr. Speaker, you would be wrong. Because it would be none other than a lanky, gangly freshman member of Congress that arrived on Capitol Hill the year that John Quincy Adams would die who would be sitting on the back row in what is now Statuary Hall in the House of Representatives and would listen to the great man speak, make his powerful moral orations against slavery. And that young Congressman, known to his friends as Abe Lincoln, would be deeply moved.

□ 1430

History would record that young Congressman would go back to Illinois and run for the United States Senate and eventually become our President and eventually sign the Emancipation Proclamation. I am confident that once we reach the other side of heaven, as opposed to this side of heaven, we will know to a certainty that that Abe Lincoln was inspired by the words and the example of that humble former President and Congressman.

After I learned that story, I thought of my own time. I thought of the short period of time that I would have here to serve, and I thought about my passion about the sanctity of human life,

and I thought about the enormity of this issue and the fact that apart from a few important legislative advances, despite the fact that this Chamber could be considered the heart of the most powerful Nation on Earth, that actually the subject of abortion comes up here very infrequently, even though the statistics are startling about the impact that abortion has and has had on our society over the last 30 years.

Think of it, Mr. Speaker. Each year more than 1 million U.S. teenagers become pregnant, and the teen pregnancy rate in the last 30 years has become truly alarming. With regard to those who elect to end that pregnancy out of wedlock in abortion, 80 percent are single, 60 percent are white, 35 percent are black. Eighty-two percent of women having abortions are among that single or separated category, but the most startling statistic to me, and I think the reason why, Mr. Speaker, it begs that we grapple with this issue on this floor from time to time, in the same way that John Quincy Adams, however inconveniently, grappled publicly on the floor of the Congress about slavery, is that according to Planned Parenthood's National Center for Health Statistics, nearly half of American women, 43 percent of American women, will have an abortion sometime during their life.

Let me say again. This procedure, validated in the case of Roe v. Wade in 1973, has now given rise to a procedure that literally impacts the lives not only of the unborn, but of nearly half of childbearing women in the United States of America. So it is in that spirit that back in September I launched this series on the case for life and today come to the floor on the subject of abortion and the problem of pain.

I mentioned earlier that there have been some recent and important legislative achievements. This Republican majority in Congress has advanced not one, but two historic pieces of legislation that advance the principles of the sanctity of human life. To a lesser degree is the Unborn Victims of Violence Act. I helped to draft that bill as a member of the Committee on the Judiciary, and while it is not a prolife piece of legislation, it does, on the Federal level, certify what two-thirds of the States of this Nation have certified long ago is that when there is violence against a pregnant mother that results in the loss of the unborn child's life, that there are two victims, and while I would say that it is not a prolife piece of legislation, the principle about the sanctity of unborn human life is nonetheless there, and it is important.

I commend my colleague, the gentlewoman from Pennsylvania (Ms. HART), who almost single-handedly muscled this legislation to the floor of the Congress and saw to its passage and signature earlier this year.

Obviously, the most significant piece of legislation and, in fact, the very first restriction on the abortion procedure since Roe v. Wade also passed in this Congress and is now the subject of not one, but three separate pieces of litigation in the Federal courts, and it is in that context that abortion and the problem of pain, I think, justifiably comes before us today.

Congress, as I am sure my colleagues are aware, Mr. Speaker, actually managed earlier this year in overwhelming numbers to pass the Partial Birth Abortion Ban Act. For those not aware of this procedure, partial birth abortion essentially involves, as hard as it is to say, the breach delivery of a child post-20 weeks. Virtually in every case of a partial birth abortion, the child could be delivered whole and could survive. It is certainly at the stage of viability.

But in the partial birth abortion, the child is delivered partially, and then a suction tube is, I will say it gently, inserted in the back of the skull. The contents of the skull are removed, and the remains of the child are taken from the mother's womb. It is a horrific procedure.

It was one of the joys of my life on November 5, 2003, to sit on about the third row as the President of the United States over near the White House in the Reagan Building signed that ban of that horrific procedure. As the President said, Our Nation owes its children a different and better welcome. He went on to say, The bill I am about to sign protecting the innocent, new life from this practice reflects the passion and humanity of America. And so it did. It affirmed our basic standard of humanity which can be summarized in the duty that the strong have to protect the weak.

The American people obviously overwhelmingly support this legislation. One survey after another has shown enormous support. A recent Gallup poll showed 68 percent of Americans believe that partial birth abortion should be illegal. The same poll showed that even 50 percent of those who considered themselves to be prochoice on abortion supported the ban of this horrific procedure, and here is a compelling number for my colleagues. Fifty-seven percent of obstetricians and gynecologists want partial birth abortion banned as well, according to a survey in Medical Economics Magazine.

It seems, as we like to say back in Indiana, Mr. Speaker, to be a no-brainer procedure like this has no place in a civilized society, and Congress, in bipartisan fashion, agreed. Members from across the political spectrum after literally 8 years of wrangling on Capitol Hill, 8 years of expert testimony, 8 years of public debate, finally came to broad agreement. Members across the aisle, as I mentioned, many colleagues in the Democrat minority in the House and the Senate, strongly supported this legislation. Senators, from conservative Republican RICK SANTORUM to Senator TOM DASCHLE, approved this measure in a 64-to-34 vote, and House Members in this Chamber, the distinguished gentleman from Michigan (Mr. DINGELL) and my friend the gentleman from Rhode Island (Mr. KENNEDY), joined conservatives like me in approving the ban 281 to 142.

Congress made specific findings in this legislation as well, that partial birth abortion was essentially an inhumane procedure that is, and this was a finding of the Congress that is important in this moment, Mr. Speaker, because it is being litigated in Federal courts around the country at this very moment, that the Congress found that one expert after another, and even in agreement with the American Medical Association that supports abortion rights in America, found that this procedure is never medically necessary. Let me say again. That after nearly 8 years of debate, after examination of experts, including the concerted opinion of the American Medical Association, it was concluded that this procedure, known as partial birth abortion by the AMA, as well as, of course, by the overwhelming majorities of this Congress, was found to never be medically necessary, and that is a critical, critical conclusion by this Congress.

Partial birth abortion, it was concluded almost unilaterally or uniformly by medical and legal and ethical experts to be inconsistent with the obligations of the law. So we find ourselves nevertheless in litigation in America, and as a former trial attorney, I can tell my colleagues, Mr. Speaker, I would never stand between any American and the courthouse door. We all have the right to seek redress in the courts, and some are doing just that.

In fact, this law, the Partial Birth Abortion Ban Act, signed into law last November is being challenged not in one, but in three separate cases in Federal courts around the country: in New York City before Judge Richard C. Casey; in Lincoln, Nebraska, before Judge Richard Kopf; and in San Francisco, California, before the honorable Judge Phyllis J. Hamilton.

In two out of three of those cases, though, interestingly, Mr. Speaker, the judges on the bench have ruled that an issue that we did consider in this Congress, but an issue that has not gotten a great deal of public discussion, was relevant to the deliberations on the constitutionality of the ban, and that is, as I have said in the title of this discussion today, the problem of pain. It is the problem of pain that is literally being considered in two out of three of the Federal cases, and it may ultimately cause some pain in the hearts of Americans who may be looking in on our deliberations or may be reading accounts of this, but it seems to me, as we try and come to terms with the cost of abortion in America, we do well to listen to the experts about this issue of pain, and I want to speak gently and respectfully about it today.

The truth is, in the New York City case, the National Abortion Federation never wanted Dr. Kanwaljeet Anand to testify in the Partial Birth Abortion

Ban Act trials, but he did, and no wonder. This Oxford- and Harvard-trained neonatal pediatrician had some jarring testimony about the subject of fetal pain, and it is truly made more astonishing when one considers the fact that Dr. Anand is not a stereotypic Bible-thumping prolifer.

In fact, interestingly, Mr. Speaker, Dr. Anand is not prolife at all. He is, in fact, a strong advocate of the right to an abortion. A native of India, he just does not meet the stereotype, not just the head wrap, the neat beard, the Rollie Fingers-style mustache, but he views abortion as an unalienable right for women in America. He gave his testimony in the New York court, even more credibility as one of the leading experts on fetal pain in America, if not the world.

Dr. Anand took the stand in the morning recently and testified for hours, excerpts of which I will read into the RECORD today. He testified for hours on a simple principle that unborn children can, according to his research, actually feel pain more vividly than recently born children or adults. It is an astonishing and truly chilling assertion that this expert came to.

Let me go back, as my old trial lawyer days taught me to do, and let me establish the credibility of the witness, if I can. Dr. Kanwaljeet S. Anand is a pediatrician specializing in the care of critically ill newborns and children. For more than 20 years, according to trial testimony, he has conducted intensive research on the study and the development of pain and stress in human newborns and fetuses.

I said before once again, and I repeat it for the sake of its significance and its addition to the credibility of his testimony, that Dr. Anand personally believes that a woman has an unalienable right to an abortion, which makes him solidly and unqualifiedly prochoice.

He received his medical degree from Mahatma Gandhi Memorial Medical College in Indore, India. After postdoctoral training in pediatrics, he was awarded a Rhodes scholarship to study at the University of Oxford. He received a Ph.D. from the Faculty of Medicine for research he performed on surgical pain and stress in premature and full-term newborns.

Following additional postdoctoral training at Oxford, Dr. Anand completed a fellowship in pediatric critical care at Massachusetts General Hospital.

He has numerous academic appointments, University of Oxford, Harvard Medical School, Emory University School of Medicine. He has authored or coauthored more than 200 articles and is currently professor of pediatrics at Arkansas University for Medical Science. Not a lightweight, and, virtually as we used to say in the law business, an unimpeachable witness on the subject of fetal stress and fetal pain.

□ 1445

Now, before I go into precisely what Dr. Anand had to say, it is important to point out that the damaging nature of this information coming in not only to the courtroom in New York, and not only has been ruled in order in Nebraska, Mr. Speaker, but also into the public domain was certainly not lost on the abortion rights activists who brought the challenge to the Partial-Birth Abortion Ban Act in both of those cases.

Literally, attorneys for the National Abortion Federation used virtually every legal tactic at their disposal to prevent Dr. Anand's testimony from being permitted in the court. NAF attorneys attempted time and time again to block Dr. Anand's testimony. And then once he was allowed on the stand, the plaintiffs' attorneys cross-examined him redundantly, in a style that actually drew the judge's rebuke. The judge actually asked one of the National Abortion Federation lawyers, he was being so pedantic and repetitive, and in some ways abusive of Dr. Anand on the stand, Judge Casey asked: ''Is this a new school of cross-examination, where you make a statement and finish every statement with, is that correct?'' Later, the judge actually drilled a plaintiff's lawyer for attempting to make one of their witnesses testify about events before they were hired.

It just was extraordinary the efforts to which the opponents of the Partial-Birth Abortion Ban Act went to prevent Dr. Anand's testimony from being allowed in. And for all the world, I do not think, Mr. Speaker, it was so much about what was happening in that courtroom as it was what was happening out here in the debate, the debate for winning the hearts and minds of 270, 280 million Americans who wrestle with this issue and are deeply divided. And not only are we divided just as a country, but most of even my very best friends and family members, who profess to be pro-choice, do so with a great deal of ambiguity about it, seeing abortion as a necessary evil in society, but an evil nonetheless.

I really believe, as I denominated this ''case for life'' installment, I believe that pain is a problem for the advocates of abortion in America, not just those who would oppose partial-birth abortion. Abortion and the problem of pain can be summarized in this idea, and forgive me if I have too high an opinion of people and particularly the American people, but I cannot help but feel that if most Americans became persuaded about the truth of what Dr. Anand has said, about the capacity of unborn children to experience pain, that we would, as a Nation, rethink this business of abortion.

And so I thought it all together fitting that we talk about the problem of pain in the little bit of time I have left. And I may be joined, Mr. Speaker, by the gentleman from Iowa (Mr. KING), who was actually in Nebraska, in the courtroom, where much of this testimony took place and was facilitated just in the last 2 weeks.

Here is what Dr. Anand had to say, and I want to read this into the RECORD, if I can, Mr. Speaker, although I will submit the entire testimony for the RECORD.

When he was brought to the stand in New York City in the partial-birth abortion ban challenge case, Dr. Anand was asked a series of questions beginning with this: ''Are there differences between fetuses and infants born at full term?'' The answer: ''There are certainly huge differences between a fetus at different stages of maturity and a full-term infant, yes.''

Next question: ''What effect, if any, does that have on your opinion in this case about a fetus's ability to feel pain?'' This was the response of this Rhodes Scholar, Harvard-trained Ph.D. who supports the right to an abortion. Dr. Anand responded: ''What we have noted from these multiple lines of evidence is that the pain system has a very low threshold, meaning that the fetus has a much greater sensitivity to pain during the early development of the pain system, and later on that threshold rises or the sensitivity decreases to pain. This is seen throughout development. So in a premature fetus, those 23, 24 weeks of gestation, they have a much lower threshold of pain compared to a full-term infant. A full-term infant has a lower threshold of pain as compared to, say, a 1- or 2-year-old child. And during childhood as well there is a progressive increase in the threshold of pain. So,'' Dr. Anand testified, ''my opinion is that between 20 and 30 weeks of gestation there is the greatest sensitivity to pain.''

The attorney went on to ask the question: ''Doctor, can you explain the scientific reasons why that is so?'' Dr. Anand responded: ''There are many reasons to explain this increased sensitivity to pain. Firstly, there is the early development of the receptors and the density of these receptors is much greater in the fetal skin as compared to an older child or adult. These receptors have connections to the spinal cord,'' et cetera, et cetera, et cetera. ''So it is that early period,'' he concluded, ''there is the greatest sensitivity to pain.''

Then it gets a bit more chilling, and this is where I would ask the forbearance of the Chair and any who are looking in; so that if there are little ears nearby, I, as the father of three small children, have no desire to offend, but this is offensive. Because here we will hear where Dr. Anand actually used the word ''excruciating'' to describe the experience of pain of an unborn child in a partial-birth abortion.

Question: ''Do you have any opinion as to whether the partial-birth abortion procedure will cause pain to a fetus?'' Answer: ''Yes, it would, if the fetus is beyond 20 weeks of gestation.''

And I would add parenthetically here, not as part of the testimony, that virtually all partial-birth abortions

take place after 20 weeks, according to medical statistics.

Back to the testimony. Question: ''And could you describe, in your opinion, Doctor, what kind of pain you would anticipate the fetus would feel?'' Dr. Anand responded as follows: ''Given the increased sensitivity to pain at that period of gestation, the parts of the procedure associated with grasping the lower extremity of the fetus, of manipulating or rotating the fetus within the confines of the uterus, of delivering the fetus through an incompletely dilated cervix as well as the surgical incision made at the back of the head, the puncturing of the intracranial cavity through the occipital bone and through the membranes that cover the brain, all of those parts of the procedure would be associated with prolonged and excruciating pain to the fetus.'' So said Dr. Kanwaljeet Anand, a Rhodes Scholar and one of the leading experts on fetal pain in the Western World.

As you heard, Mr. Speaker, going literally step by step through each element, the doctor described of the procedure of a partial-birth abortion, and I cited here his reference to the grasping of lower extremities, the turning of the fetus in the uterus, the delivery of the fetus through an insufficiently dilated cervix, Dr. Anand concludes that these would all result in, and these are his words now, ''prolonged and excruciating pain to the fetus.''

There is more here; and as I mentioned earlier, Mr. Speaker, I will submit this testimony at this point in the RECORD, in its entirety, for any who might examine our work at some point in the future, because it is truly extraordinary to consider.

Mr. Speaker, I am grateful now to yield to a colleague and a friend who, while a freshman from the great State of Iowa, has arrived here with a vengeance and with convictions and with passion. And as I presented the issues that are being litigated at this very hour in New York and in Nebraska and in San Francisco, I was delighted to note that over the April recess, my colleague, the gentleman from Iowa (Mr. KING), was not content to stay in Iowa while these weighty matters were being debated.

As was reported to me, the gentleman from Iowa drove 470 miles one way to sit in the courtroom in Nebraska in the company of the Honorable Judge Richard G. Kopf, and reassert the principle of Congress' ability to make findings of fact and the deliberation that Congress used in concluding, as I asserted earlier, Mr. Speaker, that partial-birth abortion is never medically necessary. And, as I am sure the gentleman from Iowa will elaborate, that was a broad conclusion by this body.

Also, Mr. Speaker, I would be anxious to hear my colleague's reflections on the issue of fetal pain and how that may or may not play into this debate, both in and out of the courtroom.

My purpose today in this ''case for life'' entitled ''Abortion and the Problem of Pain,'' is simply to do our part on this blue and gold carpet to bring these issues more into the public domain, not just to our colleagues here on the floor, but also to those that might be looking in, Mr. Speaker, to be aware that this business of banning partial-birth abortions, so overwhelmingly supported by the American people, is an unfinished work. The work goes on.

Mr. Speaker, again I yield to my colleague, the distinguished gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary

Mr. KING of Iowa. Mr. Speaker, I thank my colleague, the gentleman from Indiana (Mr. PENCE), for yielding to me to address my colleagues and America on this issue.

For many years now, this Congress, in response to the people of the United States of America, have fought diligently to end the most ghastly and ghoulish and gruesome procedure known to modern man. And as we have done so, this Congress has held hearings in the 104th, 105th, 106th, and 108th Congresses. That is over 8 to 9 years if gathering information and data and analysis of the concept of what we call and have defined in this Congress as partial-birth abortion.

Now, for myself, as I thumb through the phone book in the Washington, D.C. yellow pages, I can find in there ads for abortions up to at least 22 weeks, and I believe there are one or two that advertise up to 24 weeks. And if the advertisement goes to that, then you can be confident that those partial-birth abortions are taking place beyond the 24 weeks. And, in fact, in this country, there is a Supreme Court decision that allows for such a thing up until the very last minute before birth.

The circumstances around this law that we have then in this country come to Congress finally passing a ban on partial-birth abortion that was signed by our President. And that was something that was difficult, in fact impossible to obtain under the previous administration. We have it today.

I sit on the House Committee on the Judiciary, and we held hearings and we gathered facts, did fact-finding, due diligence, and gathered data that reaches out all across this country into all of the experts, the best experts that we can find, to bring them forward to testify before congressional hearings. There were people to testify on each side of the argument, both pro and con on this procedure that we know all across this Nation as partial-birth abortion.

And when that happens, these expert witnesses testify, they are cross-examined by nearly every member of the Committee on the Judiciary. At the end of that period of time, then we debate the relative merits of the issue. As that debate flows through, we bring the bill for a vote, and generally through subcommittee, full committee, and then out to the floor. The same procedure takes place over in the other body.

That gathers all of the best expertise that can be gathered, it draws it all out of the United States of America, and then we have the administrative branch that also has their staff and their expertise, and they do their fact-finding.

So when the House of Representatives votes overwhelmingly and the other body votes overwhelmingly to ban that ghastly, ghoulish, and gruesome procedure of partial-birth abortion, and when Congress comes with findings that declare that a partial-birth abortion is never medically necessary to preserve the health of the woman, there is no system of fact-finding or data-gathering that exists in this country today that can begin to match the due diligence of the United States Congress.

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So, when word came to me late Good Friday that a judge in Lincoln, Nebraska, had made remarks during the last witness' cross-examination in the case that is one of the three jurisdictions that the gentleman from Indiana spoke about, that the attorneys in the case had done more due diligence than Congress had, that echoed into my ears an hour or two, if not within minutes. When it did, it looked to me that the preparation was at least there to declare that Congress had not done due diligence, that the attorneys in the case had, and that would be reason or justification enough to overturn our congressional ban, our Federal ban on partial-birth abortion.

So the decision was made late that Friday afternoon, and I was in Lincoln at 9 on Monday morning. I make one minor correction to the gentleman from Indiana (Mr. PENCE): It was round-trip miles rather than one way. It was a little bit to adjust it into my schedule. I walked into the courtroom at 9, and I am confident most of the actors in the courtroom knew I was coming, judging by the reaction in the courtroom. I listened to that case between 9 and almost up to 12, nearly noon, just stepping out for a couple of message exchanges. At noon I went down there outside the Federal building in Lincoln, Nebraska, and held a press conference. I made the statement describing how Congress comes to their findings, what due diligence Congress uses, and that there is no substitute for the due diligence of Congress.

For a single judge to substitute his opinion for the collective wisdom of the United States of America is the height of arrogance. It also exposes judicial activism. It turns the law on its head. There is nothing that we could pass in this Congress that would meet that kind of standard that would allow a single judge to substitute his judgment for the wisdom of the people of America.

That is what that press conference was about. It echoed across this Nation

from the Atlantic to the Pacific Ocean and points in between, and I am hopeful that it echoes into that courtroom and the courtrooms of San Francisco and New York where any activist judge in this country realizes that the legislative power belongs to the United States Congress. That is defined in the United States Constitution. If we allow judicial activism to run its course, there is no point in this body existing. They will have taken away all of the legislative power of this Congress if we do not draw the line.

I would have said a year ago that the line was blurred between the judicial and the legislative branch of government. Today I will say it is obliterated. It has been obliterated in a number of cases not particularly relevant to the ban on partial-birth abortion.

We have the authority as Congress to rein in the run-away judiciary, to slap the wrists of judicial activism. In fact, all Federal courts, with the exception of the Supreme Court, exist because they have been established from time to time by the Congress. Whatever the Congress establishes, they can take away.

So it is conceivable that any of these Federal lower courts are not a requirement of Congress, we could do with them as we wish. We want to do what is prudent and appropriate, but we also have an obligation to preserve the separation of powers. I will continue to do that.

Mr. Speaker, I want to speak to the fetal pain issue as well. I do not think that is hard for any of us to understand. We have heard testimony during hearings of this Congress of a baby that was almost to the last moment of its life reaching its arm out with that fear-of-falling reflex. It is unrealistic to believe that baby did not feel the pain at that moment, at that moment when they are trusting into the hands outside the womb instead of the protection of the womb, to have those hands take the life and drain the brains from that innocent, most innocent little child.

If Members have seen the pictures that have been up on the Internet, particularly on the Drudge Report, during intrauterine surgery, a little hand reaching up, grabbing ahold of the finger of a doctor. Imagine a little hand grasping the hand of the surgeon that is there to protect and save its life, and that little hand and that little body cannot feel pain? Of course it does. For a doctor to say, I have never thought of such a thing, it did not occur to me whether there was pain there, that would not be the case if this were happening with an animal. There would be a national outrage, and there should be a national outrage on this.

We have to play this out in the courts in New York, Nebraska and San Francisco. We are going to see these three inferior courts come with a decision. Those decisions will find their way to the United States Supreme Court where the Supreme Court will in the next year or so be obligated to makes a decision on whether Congress can actually declare findings and declare fact. We have done so.

There are only two questions before the court, I understand. One of them is do congressional findings determine that a partial-birth abortion is never necessary to protect the health of the woman; and the other question is did we define partial-birth abortion accurately and precisely enough that one who is providing that procedure, and that is hard for me to say, understands clearly at what point they would be breaking the law?

I think we have a precise definition of partial-birth abortion. It is clear whether it is a head delivery or whether it is a breech delivery. We define that moment when it becomes a partial-birth abortion, and Leroy Carhart or any of those practitioners understand that, and they are simply trying to confuse the American public.

I will stand for life. I stand with the gentleman from Indiana (Mr. PENCE) and the hundreds of people in this Congress and the millions across this country that understand that innocent life begins at the instant of conception.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING) for his statements, and again want to express my gratitude for the gentleman's tenacity in defending life and the processes of an institution. Our colleague, literally at a time when many Members of Congress with their families were stealing away to someplace warm, our colleague was headed to a courthouse to defend the integrity of an institution and the processes of this institution which the American people, many of whom may be looking into our conversation today, have a right to know that the Partial-Birth Abortion Ban Act signed 5 November, 2003, by this President was thoughtfully considered and carefully prepared and based upon findings of fact that are demonstrable.

I thank the gentleman from Iowa (Mr. KING) for his leadership and for his courage on behalf of the unborn and as truly a remarkable contributor to this institution in a very short period of time.

By way of closing this installment of the case for life, abortion and the problem of pain, I would reflect on those words from the ancient text that say whatsoever you do to the least of these, you do to me, and that for millions of Christians, me included, those were the words of God Himself. They express a principle that has been manifested throughout the 2,000-year history of Western civilization that societies and their justice and their definition of justice is defined on the manner in which the strong deal with the weak. That is the essence of justice.

At its very core, in my judgment, whether it is partial-birth abortion or abortion in any of its permutations, justice demands that we reconsider this practice. As the evidence that the gentleman from Iowa (Mr. KING) defended in Lincoln, Nebraska, overwhelmingly attested in the case of partial-birth abortion, this is a procedure that is never medically necessary. In fact, we, from south of Highway 40 in Indiana, like to use common sense on things. It hardly seems like it could ever be in the interest of the health of a woman to deliver a child and to brutalize it in the birth canal, and that would somehow be safer for the mother than a simple caesarean section that is done countless times in America and has been done since Caesar, after whom it was named. It is never medically necessary.

Beyond that, it is my hope and my ambition, and I may even say my prayer, that the problem of pain becomes more widely known in this country. Just judging the intensity that abortion rights activists use to keep Dr. Anand's testimony about fetal pain out of the courtroom in these proceedings suggests to me that our opponents in this debate understand the political vulnerability because at our core I believe, as the President says so often, the American people are a deeply compassionate and caring people.

That is why I said at the beginning of this discussion today that in the case for life, the problem of pain is a problem for advocates of abortion rights. To the extent that these court cases and the attempts to challenge and pull down the Partial-Birth Abortion Ban Act ultimately result, whatever their outcome, in the American people having a broader understanding of the reality of what Dr. Anand called so chillingly that prolonged and excruciating pain to the fetus in a partial-birth abortion, then we may be making progress.

So I conclude this case for life, Mr. Speaker, with gratitude for your forbearance and those of my colleagues, with renewed appreciation to the gentleman from Iowa (Mr. KING), who, along with his lovely bride, are stalwarts on the case for life. I close this case for life with gratitude.

PRESIDENTIAL MISTAKES

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

Mr. PALLONE. Mr. Speaker, last week during President Bush's press conference, he had a difficult time with a question from one reporter asking him whether or not he had made any mistakes as President since the fateful events of September 11, 2001. Today I would like to basically join with some of my Democratic colleagues who have already spoken today during their 5 minutes in trying to help out the President to answer the question about any mistakes he has made as President since 9/11.

I think one of the President's biggest mistakes over the last year was signing

a so-called prescription drug bill into law which he knew would benefit the pharmaceutical companies a lot more than the millions of seniors who need help now with their prescription drug bills.

Mr. Speaker, seniors have done the math. I had some opportunities during the district work period, during Easter and Passover, to meet with senior citizens, and they have done the math with regard to the President's so-called prescription drug plan. They realize that the President's law was a mistake because it will not help them with the ever-increasing cost of prescription drugs. I want to use an example because I know I have talked about this many times on the floor about how the so-called prescription drug bill will not really benefit most senior citizens.

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If one would consider a senior who now pays about $1,000 a year on prescription drugs, who will pay at least $857 a year out of pocket under the President's law, seniors with a bill of $5,000 a year will still pay at least $3,920 under the President's Medicare bill, and as we can see, the problem with the President's bill is that they are going to have to pay so much money out of pocket to get any kind of a meager benefit that for most seniors it is simply not worth the effort.

And I know from being back in my district in New Jersey for the 2-week break that the seniors see the minuscule help that they would receive under this legislation, and they realize that it is really not them, but the pharmaceuticals who are benefiting from the law because of all the profit that the pharmaceutical companies plan to make. And as I have said before, one of the reasons why the pharmaceuticals were so involved in this prescription drug legislation was because they wanted to make sure that the government did not do anything to lower the price of prescription drugs, because if the government got involved in negotiating to lower prices, as does the government in almost every other Western nation, they would not see the same level of profit that they wanted under the President's bill.

And we, as Democrats, made a point during the debate on the Medicare bill that we wanted the Secretary of Health and Human Services or the Medicare Administrator to have the power to negotiate better prices, essentially what we do now with the Veterans Administration, what we do with our military and our military retirees, but because of the support that the President receives and the Republicans receive from the prescription drug industry, that would not happen. That was not going to happen.

In effect, what was written into the law was a clause that specifically said that the Secretary of Health and Human Services and the Medicare Administrator could not negotiate lower prices. That was prohibited by law. I would maintain that that was a mistake, a major mistake, on the President's part not to allow the negotiation of lower prices, but the bill itself was a mistake because the bill, as I said, does not really provide any meaningful benefit to seniors who are looking for their prescription drugs to be paid for in a major way by the Federal Government.

But the President and his administration made a lot more mistakes than these, Mr. Speaker. The President made a big mistake also when he allowed the Medicare Administrator, Tom Scully, to negotiate the final prescription drug legislation on behalf of the administration here on Capitol Hill. At the same time that Mr. Scully was the Medicare Administrator negotiating the legislation, he was also negotiating a new job with various companies representing health care interests that stand to make millions from this Medicare law. Tom Scully did not do this, as I said, outside. He was doing this at the same time that he was negotiating the Medicare bill.

And one might say to oneself, how does he do that? How does someone who is in charge of Medicare in the Bush administration end up basically negotiating a job for himself with those same interests that are now looking for some benefit in the Medicare bill? And the reason is because he received a waiver from the Bush administration that allowed him to participate in job negotiations while he was negotiating the Medicare bill. I would maintain that that is not only a conflict of interest, but also another mistake in the context of this Medicare legislation that President Bush made.

Administration officials should not be allowed to interview and go on job searches with the companies at the same time that they are working on legislation that directly impacts these companies. That is why we have laws that bar that as a conflict of interest, and it should not have been waived. That was a mistake of the President.

President Bush also knew that this Medicare bill he signed into law had passed Congress, in my opinion, under false pretenses. Members of this House did not know the true cost of the legislation, and the reality is we probably never would have known what the true costs were were it not for the fact that the President's own Medicare actuary actually came forward after the legislation was passed and detailed what the true costs were. But that Medicare actuary was not allowed to give the House Members, be they Democrat or Republican, the true costs of this Medicare legislation when we were voting and negotiating the bill because essentially this actuary was told that his job would be threatened, he might be fired, or he would be fired if he gave out the real information about the cost of the Medicare bill.

Last year when Republicans were writing their version of the prescription drug bill that eventually became law, the Republican leadership made assurances to many of the conservative Members in the Republican Party that the total costs of the program over 10 years would not be higher than $400 billion. That is what they put in the budget, and that is what the Republican leadership and the President told the conservative Members that they would be facing, a cost of $400 billion. When the bill finally came up for a vote, the Bush administration said the total cost of the program would be actually $395 billion, close to the 400-. But as my colleagues know, last month we learned that the administration's own analysts had concluded repeatedly that the drug benefit could cost $100 billion more than what they said publicly at the time, not $400 billion, but $500 billion, a big increase, about a 20 percent increase, but they never made that information public until the bill was signed into law.

The individual who was the chief Medicare actuary, Richard Foster, at the time did come forward and say that the administration knew and that he knew at the time when the bill was being voted on that the true cost would be $100 billion more, that it would be 500- instead of $400 billion, but he was warned that he would be fired if he told his colleagues here in the House the truth; so he never told us.

So here we go again. What kind of mistakes did President Bush make in the context of this Medicare bill? Quite a few. In this case he knew, or at least the administration knew, that this information was available about the true cost, but they probably also knew that if that cost had come out, it would kill their chances for passing the bill. So essentially they kept the facts from coming out, and one could argue that the House made a mistake in passing the bill because it was based on misinformation, another mistake that the President made which contributed to the big mistake of this Medicare bill when it finally passed.

I just mentioned this because many of my colleagues on the Democratic side would like to point out some of the mistakes that the President made in the last year, and hopefully when he has his next press conference, he will have a little more opportunity to talk about some of those mistakes. If not, we can just give him more information ourselves along the lines of the Medicare bill, which was a huge mistake.

Mr. Speaker, I would also like to bring up some other matters that relate to what I consider the ongoing credibility problem that President Bush and his administration faced, and there are many. There are many cases where information has been given out that is essentially misleading, that Congress relies upon it, as it did in the case of the Medicare bill, or in the case, one of the biggest that I would mention, is the Iraq War. We know now that much of the information that was given to the Congress and they used in

making a decision to go to war and to pass a resolution to authorize the war was essentially misleading, information about the threat from Iraq, about the weapons of mass destruction, about links that did not exist between Iraq and Saddam Hussein and al Qaeda and those that bombed the World Trade Center on 9/11. And I would like to talk a little bit about the President's credibility gap with regard to the war in Iraq.

Again, some of my colleagues mentioned earlier that 100 of our U.S. soldiers have died this month, and not that I want to emphasize that, because I certainly do not, but I do think that this credibility gap has cost lives, and it is not just something that we can sort of toss aside and say, okay, well, we had this misinformation, and what was the impact? It had a major impact on our decision to go to war and upon the people who have lost their lives or have been injured during the war.

As concerns rise about the lack of planning for the war in Iraq, it is important that we determine how America got into the mess in Iraq, and probably even more important, because that is the past, how are we going to get out? Concern about the situation in Iraq crosses party lines. The House Republican leadership continues to block any congressional oversight. And, Mr. Speaker, we have heard some of my colleagues on the Democratic side of the aisle talk earlier this day during the Special Orders about the need for congressional oversight.

We have congressional oversight on everything. I am the ranking member on the Subcommittee on Fisheries, Conservation, Wildlife and Oceans. We have congressional oversight on what the agencies do with regard to fisheries management. If that is true, why would we not have it for something so important like the war in Iraq?

The House Committee on Armed Services and the House Committee on International Relations are not holding hearings to ask important questions that must be asked about the Bush administration with regard to the war in Iraq. Essentially House Republicans are allowing the President and his administration to do anything they want in Iraq, no questions asked. And I just find that simply unacceptable given the responsibility of this House and the committees of jurisdiction to have oversight over any important matter that we deal with.

Yesterday in the other Chamber, the Foreign Relations Committee held a hearing where Members of both parties asked the tough questions about Iraq. Yet here in the House, Republicans have completely abdicated their power to President Bush and essentially said that he as Commander-in-Chief can do anything he wants without any oversight.

Mr. Speaker, the problems in Iraq, I believe, are the direct result of the Bush administration's failure to adequately plan for what would happen after the initial U.S. incursion in Iraq. We know what happened when the U.S. first went to war. We know that it was largely successful in a very short period of time. But what planning was done about the aftermath after the initial incursion and after essentially Saddam Hussein and his forces were defeated and forced to flee? President Bush and his national security team assured the world that Iraq would be a swift and easy mission where U.S. troops would be greeted as liberators. This assessment proved dead wrong and is now costing Americans greatly in terms of lives, funding, and international support. And I do not think there is any question when we listen to some of what has come out the last few weeks both before the 9/11 Commission and other venues that the Bush administration was caught off guard.

Secretary of Defense Rumsfeld said last week that he was surprised by the recent level of violence in Iraq. Secretary Rumsfeld said, ''If you said to me a year ago, describe the situation you would be in today 1 year later, I don't know many people who would have described it. I would not have described it the way it happens to be today.'' Those are Secretary Rumsfeld's very words.

The fact is that the Bush administration was warned before the war of the possibility that events might not play out as well as the administration was telling Congress and the American people. General Anthony Zinni, the former CENTCOM Commander, questioned how the escalating war in Iraq could have caught Rumsfeld off guard, and General Zinni said that he was surprised that Secretary Rumsfeld was surprised, because General Zinni said a lot of other people were telling him that it was going to be similar to what we are now seeing.

The administration's coalition of the willing is quickly unraveling, meaning more burdens on American troops. We had Secretary Rumsfeld saying that this was going to be quick, and our troops were not going to have to be there that long essentially. But obviously the opposite is the case. The coalition of the willing, of those forces from other countries that are willing to support us, seem to be dissipating. Spain, Honduras, and the Dominican Republic have announced plans to withdraw troops as soon as possible. Poland is also considering withdrawing from Iraq. Lacking troop support from other countries, about 20,000 American soldiers who were due to come home will now have their tours extended, breaking a Pentagon commitment to limit assignments in Iraq to 12 months. Again, the President's credibility is at stake.

Mr. Speaker, this is not a war that we had to fight. It comes from an administration that from its very first days in the White House was preparing to take out Saddam Hussein. And I join my colleagues here today to highlight the misrepresentations that the President and his administration included in their public comments. If the Members are interested in reading this comprehensive report, they can find it, and I will give out the information at www.reform.house.gov/min.

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We can go into that a little more if some of my colleagues want to. But the bottom line is that this misinformation that was given out seriously makes us question the credibility of this administration and what they were doing then and now in terms of the future and what we are doing in Iraq.

I see that some of my colleagues have arrived. I would like to yield to the gentleman from Washington, who has been down on the floor on a regular basis talking about this issue of credibility, particularly with regard to the war in Iraq. I thank him for joining us this afternoon.

Mr. McDERMOTT. Mr. Speaker, I want to thank the gentleman from New Jersey for coming out here and giving us an opportunity to talk about the abuses of power of this administration.

I think we have had so many that it is really hard. You sit in your office and say, which one should I come out here and talk about? Well, the most recent and striking one to me was on ''60 Minutes'' last Sunday night when they talked about the book by Mr. Woodward in which he describes the run-up to the war.

Now, anybody who knows anything about the Congress knows it is our job to collect the taxes. I sit on the Committee on Ways and Means. We collect the taxes, and then the Committee on Appropriations says this is how it is going to be spent, and the President is supposed to spend it that way. He does not have the freedom to just spend it anywhere he wants. Otherwise, what do you need a Congress for? Why do you not just give him the money and say, Mr. President, do whatever you want? If it looks good to you, buy it. Do it. See if you cannot make it work.

So with that background, the revelations that came out of this book on Sunday on ''60 Minutes'' were absolutely mind-boggling. The President secretly diverted $700 million from the war on terror in Afghanistan to begin building airstrips in Kuwait, starting a war that nobody knew anything about, that was hidden totally from view. They took $700 million appropriated for dealing with the war on terror.

We just had two enormous buildings in New York knocked down and the Pentagon attacked, we were over there trying to find Osama bin Laden, and the President decided, on his own, I do not know, sitting there talking to I do not know whom, maybe he was praying, for all I know, and he came up and said, I am going to use $700 million to start a war in Iraq. Now, the question is whether that is not only not constitutional, but whether it is illegal for the President to have done that,

whether he has broken the law, and we hear nothing of it.

Ask yourself just for a minute, what would $700 million have bought in Afghanistan? It is fascinating. Just today the Pentagon came out and said it needs another $700 million to keep 20,000 troops in Iraq for another 90 days. So effectively what the President of the United States did was, in the middle of this war on terrorism in Afghanistan, he said, I am taking $700 million, I am taking 20,000 troops for 90 days out of the country. I am reducing our ability to deal with the war in Afghanistan, because I want to start this war over in Iraq.

It was not inconsequential what he did. Remember, this is when the Secretary of War, Mr. Rumsfeld, was quick to point out that they knew, it was not even close, that we suspect or anything else, we knew that bin Laden was hiding in the Tora Bora area of Afghanistan. Right in the middle of our dealing with Tora Bora, the President says, hey, Rumsfeld, out of my way. I want that money, and I want to put it over here.

Now, we were still in the shock of the attacks of 9/11, and all America watched and waited for the word that bin Laden would harm us no longer. The President still has not found bin Laden. He still is out there, still organizing, still sending out tapes, still having impact on us. And the President decided, I am tired of this, I do not want to chase bin Laden anymore. Because when this was happening, right in the middle of having him located in Tora Bora, the President said, I have lost interest in this, and I am going somewhere else.

Now, he acted unilaterally and without the Congress or the people of the United States understanding what he is doing. The President reduced America's resources in the hunt at the very moment when we had the best information about where bin Laden was.

Now we are talking about maybe he is in the border areas with Pakistan, or maybe he is here, maybe he is there. We knew apparently where he was at that point, but the President was not interested in getting him, I guess. I do not know.

He must have a short attention span to just say I am going to walk away from this. My belief is that unilaterally reducing American resources in the hunt for bin Laden really raises questions the President must face with the families of every 9/11 victim and with the Congress and with the American people and the mothers and fathers and brothers and sisters and husbands and wives of the 700 Americans who have died in Iraq.

What was he thinking about? Now, none of us think that the President was stupid, none of us think that Rumsfeld is dumb. But the question is, why were they so intent on going to Iraq? It clearly was not about weapons of mass destruction. It clearly was not about al Qaeda. There is no connection.

Yet we are now mired down in the war, and the question is, how do we get out of it? The fact was that the State Department predicted all of this in a big study, and the War Department just ignored it.

Mr. EMANUEL. Mr. Speaker, if my colleague would yield for a minute, you talk about the misappropriated or misallocated $700 million. One of the issues that I have repeatedly talked about, and I think has come to affect all Americans, is larger than the $700 million, although that is an adequate question, and it is we passed a budget here for $2.3 trillion that had a $500 billion deficit here at home; and in that budget, there were some priorities set for America. But it is very interesting how you contrast those priorities for Iraq, which I think raises a lot of questions about the misappropriated values by this administration.

I will give you an example. In the area of health care, in Iraq there are 150 clinics that have been rebuilt, serving 3 million Iraqis that provide 100 percent prenatal care and infant coverage in Iraq. In America, there are 43 million uninsured Americans, of which 10 million are uninsured American children of parents who work full-time. In the President's budget, we have cut the dollars for health care training for doctors and nurses and professionals.

If you expand that, in the area of veterans, we have provided Iraqi veterans $60 million for job training. Yet in the United States, the President's budget cuts $257 million for medical care for American veterans.

In the area of education, we built 2,300 schools in Iraq, rebuilt and refurbished the schools. Yet in America, under the President's budget, $8 billion for Leave No Child Behind has been underfunded by this year alone.

Iraqi universities are receiving $20 million for higher education job training, yet Pell grants here in the United States, the biggest assistance for Americans to go to college, have been frozen for 3 years in a row while college costs have risen by 10 percent on average.

In the area of law enforcement, the President has dedicated $500 million for training of law enforcement and the police in Iraq. As you know, they did not perform too well the last 2 weeks. Yet the President's own budget for the United States cut $657 million for the police program to train our police on community policing on America's streets.

In the area of housing, $470 million has been allocated for Iraq's housing program, yet we have cut $700 million out of section 8 here at home for our housing.

It is true about the environment, one last area. We are rebuilding all of Iraq's water and sewage for drinking water to the tune of $3.6 billion, yet the revolving fund in the United States for water treatment and drinking water has been cut by $500 million.

When the President said in 2000, not said, he declared he was opposed to nation-building, who knew it was America he was talking about? So as we talk about the $700 million of allocated money, where it went from Afghanistan to Iraq and the theater of war, we have allocated well over $150 billion to that mission, of which $20 billion is for rebuilding Iraq's society, and we have made a commitment.

What worries me, because the American people have been very generous and have been very committed, what worries me is when you start to talk about a future for Iraq and their children that is better than the one we are providing here at home for our own families and our own children. We will continue to be generous, we will continue to provide, but we have misallocated, in my view, billions of dollars. The $700 million on the war front in building an airport in Kuwait is only the tip of the iceberg, in my view, of the misallocated dollars that raises real questions about the commitment.

When you look at the two budgets, the one here at home for America and America's future and the one in Iraq, you realize this administration is not only running two sets of books but they have two principles and two value systems. We need to have the same values at home that we are talking about for Iraq, the same type of investments we are talking about, law enforcement, education, health care, the environment, policing; and we need to make that commitment here so the American people maintain that the future for their families and their children is one for a good tomorrow, a better tomorrow, not one that is less than the one we are talking about overseas.

Mr. PALLONE. Mr. Speaker, if I could reclaim my time, I just want to stress, if I can briefly, that this did not have to be. I do not want to keep talking about the past, because I believe the President made a huge mistake in going to war. But it was not only that he made the mistake. It is also the way he went about it, and, even more so, the way he continues to go about it.

Not only would we have saved tremendous resources if we had not gone to war, as well as the lives of those who have been lost, but also if this had been done in an effort to try to internationalize the war, so that we had our allies not only fighting the burden in terms of their own soldiers, but also the burden of the cost of the war, which was what was done in the case of Bosnia and the Persian Gulf War before. I was here, so I remember. But not only did the President not want to do that, but he continues along the same path.

I know he is saying he is going to go to the United Nations; but the attitude, and, in my opinion, the arrogance of the President and the administration in wanting to go it alone, even when they talk about going to the U.N., it does not seem real. I think that is why countries like Spain and some of these others are pulling out.

In other words, instead of seeing countries get more involved, not only

in terms of men but also resources, we see less. I think that continues. I really question, as much as I would like to see and I think this needs to be, that the U.N. needs to get into Iraq and the situation needs to be internationalized. This whole idea of other countries sharing the burden is very much, I think, something that the President opposes.

Mr. EMANUEL. Mr. Speaker, I know we want to get back to our friend from Washington State, but people remember in the first Gulf War, which cost $60 billion, the United States paid $5 billion of that $60 billion and we were part of a larger international effort that included members of the armed services of Syria, Egypt, and other Arab-Muslim countries. Today we are bearing 95 percent of the cost and well over 90 percent of the, shall we say, the blood and the force presence in Iraq. So the contrast is stark.

What is also stark is if you look at both the war in Kuwait, the first time, Bosnia, Kosovo, East Timor, all have been very successful strategies in the post-Cold War era, where America with its allies fought the war, but America was a partner in the rebuilding of the society. And it worked successfully, especially in Bosnia, Kosovo and East Timor.

Why you would take a successful playbook like that, throw it out, when everybody, regardless of what their position was on the war prior to the war, everybody said the war would be easy, the peace would be hard, you need a plan. How you commit 150,000 to 175,000 American troops, $180 billion worth of our resources, and not have had a plan on the peace, this was not Monday morning coaching. Everybody knew that peace would be hard and that you went to war with no plan, when Democrats and some Republicans, but all Democrats, regardless of what their position was, said the war will not be hard, it will be the peace and rebuilding once you own it that will be hard. And you did it without that, when the President has an obligation to have asked questions. Not to have asked questions and not have a plan was a miscarriage of responsibility, in my view.

□ 1545

Mr. MCDERMOTT. Mr. Speaker, one of the things that the gentleman from New Jersey (Mr. PALLONE) raised was the issue of arrogance. And certainly it takes a certain amount of self-confidence to be a national leader. I mean, a President has to be a confident person and act confident and so forth. But there are times when one needs to ask forgiveness for making mistakes.

This administration has absolutely blanket not asked for a bit of forgiveness on anything. The dismantling of the entire Army they now say was a terrible mistake. The dismantling of the police was a terrible mistake. The dismantling and driving out everybody who was a Ba'ath Party member, university professors, doctors, lawyers, everybody, they threw them out of work. They threw the whole country out of work. And then they are surprised by the chaos.

Now, it would be bad enough, as that was a long time ago, but the viceroy we put in there, Mr. Bremer continues to do these stupid things on his own. I was talking to some people who are in Iraq at the moment who said it is absolutely inconceivable that he shut down a newspaper.

Mr. EMANUEL. Mr. Speaker, if the gentleman will yield, he did not do these things on his own.

Mr. MCDERMOTT. Mr. Bremer?

Mr. EMANUEL. Mr. Speaker, he is in constant contact with both the State Department, the White House, and Defense.

Mr. MCDERMOTT. Mr. Speaker, he never talked to the Iraqi Governing Council. No Iraqi would have given him that advice. I mean, it is the President's mistake for putting a guy like that there.

Mr. EMANUEL. Mr. Speaker, my colleague is obviously referring to the mistakes the President was asked at his press conference, and he could not think of a mistake.

The first lesson in life your parents teach you and your first grade teacher teaches is one learns from their mistakes. That is the first lesson in life. Usually by 8 in the morning my wife has identified four of them for me. By 5 when I am heading home, I come to the conclusion she may have something there.

But to not have known, as my colleague identified four in literally a minute, the first lesson is you learn from your mistakes. Saying that he cannot think of one is why we got the situation we got both in the war and on terror. In 3 years 3 wars, and he cannot think of one thing he would do different, even if he did not want to call it a mistake.

Mr. MCDERMOTT. This most recent one I spoke about, this closing this newspaper, now, we are bringing them democracy, right? Free speech. Newspapers should be able to say whatever they want to say. Well, we do not like somebody, so we go over and shut it down. These Iraqis say, hey, what is this about? I thought we had free speech now that we had democracy.

Now, clearly we want them to have free speech as long as they say what we want them to say. The conflagration that has come out of the Shia community was provoked by Mr. Bremer. That did not come from the outside. It did not come from foreigners. It came from the United States Government going in and saying, you shut your mouth.

We put gasoline on the fire of a guy who was a nobody. He had been talking 6 months before, and he lost all of his oomph. So we go down and throw some gasoline on the embers, and now we have a flame.

We have the worst month we have had in the entire war. More people have died this month. They have not learned anything from their mistakes. They continue to make them because they are arrogant. They think because they are from the United States, and they come over with all this knowledge in their head, that they could not possibly know anything about what was exactly the right thing to do.

We are doomed as long as the President of the United States and Mr. Bremer and Mr. Rumsfeld and Mr. Wolfowitz who cannot ever reexamine what they have done are in control. We have no chance if they do not go to the United Nations and get the United Nations actively involved and in control so that the United States is not the sole occupying force.

There is a wonderful article in the Atlantic Monthly by James Fallows that I think everybody ought to read from almost 6 months ago that lays it all out. It is called ''Blind into Baghdad.'' It is a statement about every mistake we have made. And we still continue to make them, and our kids are dying. That is the worst part.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman for his comments and certainly join in them, because I think you have it right on point that this administration simply is not capable of conducting this war. Whether you are for the war, which I voted against it, or you are against it, it does not matter. Bottom line is the administration is just not capable of carrying it out.

I now yield to the gentlewoman from California (Ms. LEE), who has been one of the most vocal persons on the Iraq war from the very beginning. I appreciate what she has been saying for the last few years.

Ms. LEE. Mr. Speaker, let me thank the gentleman from New Jersey (Mr. PALLONE) for his continuing leadership and his quest to pursue the truth. Our democracy is standing at a crossroads, and he is helping us move in the correct direction. Hopefully we are not too late.

I also want to thank the distinguished chair of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS), for being a leader on this issue and on so many issues that we are confronted with here in our country and for continuing to try and every week now attempt to wake up America.

And at this moment in time, our Nation is confronting a growing credibility gap from the highest reaches of power. So I am glad that my colleague continues to keep on this because there is no way we should rest until the gap between the administration's rhetoric and reality become closer together. I think people deserve to know the truth.

Let me just first start by talking about the ongoing tragedy in Iraq. I would also like to talk about how this pattern of distortion about the most fundamental issues of war and peace is

really reflected in other foreign and domestic policies also. This is a very consistent kind of trend that we are seeing.

In Iraq, first of all, we have to begin by recognizing that the latest and ongoing tragedies really, once again, cause us to pause in terms of the terrible loss of life and in a conflict that is escalating every day out of control. So our thoughts and our prayers go out to all of those who have lost loved ones or who really anxiously now watch the news each night, each terrified night, actually, and worry about what they might hear.

The chaos in Iraq today is a direct contradiction to the picture painted by the administration before and during this war. When it comes to Iraq, we see an enormous gap between the truth and the administration's message to the American people, the Congress, and the world. As the Carnegie Endowment for International Peace, also our ranking member of the House Committee on Government Reform, the gentleman from California (Mr. WAXMAN) and many others have found, this credibility gap on Iraq emerges especially in terms of claims about weapons of mass destruction, claims about Iraqi connections to al Qaeda, and claims about how much the war would cost and how long it would take.

For instance, on the weapons of mass destruction before the war, Vice President CHENEY stated that we believe Saddam Hussein has, in fact, reconstituted nuclear weapons. Before the war President Bush said that Iraq was buying aluminum tubes and African uranium for nuclear weapons. Secretary of State Colin Powell said, and these are quotes mind you, that by conservative estimates, he said, Iraq today has a stockpile of between 100 and 500 tons of chemical weapons agent. Secretary of Defense Donald Rumsfeld stated that Saddam Hussein has another, quote, ''large unaccounted for stockpiles of chemical and biological weapons and an active program to acquire and develop nuclear weapons.''

Now, all of these statements are frightening, and they present a portrait of an Iraqi Government that possessed enormous stockpiles of chemical and biological weapons and even nuclear weapons. Well, even the administration's chief weapons inspector David Kay said, ''We were almost all wrong.''

Well, the fact is there were many people who were not wrong, many countries who were not wrong, from Members of Congress who voted for my amendment that would have rejected the war and would have said the U.N. inspections process should move forward, that is the way we find and destroy weapons of mass destruction, to IAEA Director Mohammed el-Baradei who challenged the administration's interpretation.

In fact, it has really become increasingly clear that there were voices inside the United States Intelligence Community who also raised questions. But their questions and voices were silenced, which, again, is a pattern that we have noticed with this administration. Their shades of gray were repainted in stark black and white. So it is not just that mistakes were made, I believe the choices, deliberate choices were made.

Secondly, we have the issue of alleged Iraqi connections to al Qaeda. Nothing could frighten Americans more than this combination of Iraq with its supposed nuclear weapons and al Qaeda with its proven terrorist agenda.

President Bush said that Iraq was the central front on the war on terror. The President also said ''You cannot distinguish between al Qaeda and Saddam.'' The administration could and should have been able to distinguish between al Qaeda and Iraq.

And many argue that the war in Iraq has seriously, seriously undermined our efforts to bring al Qaeda to justice and to make our people and our country safe. In fact, it appears that because of the Bush administration's policies, terrorists are now consolidating forces. That is now. That did not happen 4 years ago.

Finally, regarding credibility in Iraq, there is the question of how long the war would take and how much it would cost in terms of blood and our treasure. Before the war, Vice President CHENEY predicted that the conflict would be measured in weeks, this is what he said, rather than months. Well, it has been over 56 weeks since the fighting started. Our casualties are still rising, and our troops are continually being told to expect longer and longer tours of duty.

White House Budget Director Mitch Daniels predicted in April of 2003 that Iraq would be an affordable, he said, an affordable endeavor that will not require sustained aid. This is coming from the administration, the White House.

When White House Economic Advisor Larry Lindsey dared to speak the truth and estimated that the war would cost between $100 and $200 billion a year. Remember, he got fired.

If you downplay the cost of war in dollars and lives, then you deceive the American people, and that is what has happened. If we refuse to plan for postwar chaos, then you will be poorly prepared to deal with it, and our young men and women and other Iraqis and other international workers will die.

In May of 2003, President Bush landed on that aircraft carrier under the banner of ''Mission Accomplished.'' Well, then, I ask why are American soldiers still dying, and why is it Iraq is still in chaos?

Why does the Washington Post, I believe it was this morning, why does the Washington Post predict that the administration will come back right here, must come back to Congress, and will come back for money for the escalating war on top of the $166 billion already authorized, and also that is on top of the $420 billion defense budget?

We see here there is really a growing and very clear credibility gap. Also this extends far beyond Iraq. Let us look at Haiti, for example, where the administration claimed it was defending democracy while, in fact, it was undermining that democracy and engaging in regime change by other means. That is why we need an independent mission to investigate just what was the role of the United States Government in the overthrow of the democratically elected Government of Haiti. That is also why we still need a truly independent commission to investigate the use and misuse of intelligence in the war in Iraq.

And this same pattern of saying one thing and doing another really permeates the domestic agenda of this administration. The President said his tax cuts for the rich would create jobs, yet we have seen around 3 million jobs disappear in our country. He said the majority of those tax cuts would go to those at the bottom end of the spectrum. Instead the top 1 percent of earners reap over a third of tax benefits all by themselves.

□ 1600

Of course, we know the President said we would have greater resources for education. What has happened to Leave No Child Behind: 9.4 billion-plus underfunded. Leave No Child Behind has been a shame and disgrace.

I will conclude by saying that we need to also look at the credibility gap as it relates to another life-and-death issue and that is the HIV/AIDS pandemic. In 1998, the Congressional Black Caucus and the Clinton administration worked together to establish the Minority AIDS Initiative, but of course since President Bush came in, despite the growing trends of infection in the African American rate, which today accounts for 39 percent of AIDS cases, despite the fact that only 12 percent of our population is African American, once again he talks about increasing funding, but we cannot even seem to get the additional money not only for domestic AIDS programs but also for our international programs. It continues to be 600 million-plus underfunded.

Let me conclude by saying that I believe this country is deeply divided today. Actually, it is more divided than when President Bush came in even though he said he would be a uniter, not a divider. I think we must once again communicate directly to the American people what we know and that is the fact that their tax dollars are going from misplaced priorities of waging war rather than securing peace, waging a PR campaign to try to instill in the American people these notions of facts that they want us to believe, they want people to believe, when really they are not fact. They are really distortions put mildly and, in fact, a way to boost the foundation and the debate and the rationale for waging war which, unfortunately, has cost the

lives of hundreds of our young men and women.

I thank the gentleman for once again giving us this opportunity to try to convey what we know to the American people. I want to thank the Congressional Black Caucus for continuing to be the conscience of the Congress and for pushing this information forward so hopefully we will be able to save our democracy and save our young men and women from more injuries and more deaths abroad.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman, and I want to thank the members of the Congressional Black Caucus for this ongoing debate that they have been putting forth about the President's credibility gap, whether it relates to the war in Iraq or other issues that have been raised.

I just want to mention I think there are about 11 minutes left, and I do not know how many other speakers there are. I think there are maybe three. Please keep that in mind, we have 11 or 12 minutes.

Mr. Speaker, I yield to the gentlewoman from Washington, D.C.

Ms. NORTON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE), and I thank the Chair of our own Black Caucus for his leadership in coming forward.

I will try to be as brief as possible so everyone can speak. I do want to say that as we reach more than 700 Americans now killed in Iraq, more than were killed in the taking of Iraq itself, we have the obligation to come to the floor as we have, even if the President did not fulfill his obligation to tell us what we need to know, because we have an obligation to ask the hard questions and to pose those questions for the American people.

The largest question in my mind has to do with money. This President has said he will not come to the Congress for more money until January. Does something not seem strange about that date to you? As we are about to send more troops to Iraq, as we were told when the $87 billion was before us that this was all they would need, is it credible to say that we can go until January without any sense that there may be more money needed? Particularly since Members have gone to Iraq and told us that members in the service are wanting for equipment, the very equipment that could mean the difference between life and death.

This is the question we should pose over and over again. Is there enough money? Are there enough troops? And this without saying, I told you so, because, indeed, we did tell him so; but it looks as though if these troops do not have what they need that we are going to be sacrificing the lives of troops that could have been spared had they been given what they were entitled to there. This is not a question that the Members on the floor are raising.

No one who heard Mr. LUGAR yesterday, a member of the President's own party, the Chair of the Foreign Relations committee, has ever heard sterner words from a member of his own party. The Congress is no better informed than the general public about where we are going and how we will get there because this President has refused to come forward.

Mr. Wolfowitz came forward yesterday and his half-hour speech was about demonizing the demon, the demon that has a hundred percent demonization from all the American people without giving us any sense of what the President's plans were for stabilizing Iraq, for getting out of Iraq, for turning over power to somebody in Iraq.

I have been asked recently by the press about these coffins that no one can see at Dover, Delaware. I think that is a matter for the family. If the family wants to be in Dover, the family should be in Dover. If the family wants the hometown newspaper to be in Dover, they should be in Dover. No one should be telling the people that you cannot come to Dover to get your own folks. What is happening is that the administration believes it can hide the policy by hiding coffins. It will not work.

This administration was willing to embed photographers and reporters in the scenes of battle because they wanted the American people to be with them in battle. But they are not willing to let us see folks who want to be with their folks when they come home. They want us to see the mission, but they do not want to let us see the cost of the mission.

It is very scary to hear these folks act as though this is a bunch of thugs. There have got to be thugs about them, but this is an uprising. When you see it here and everywhere, them fighting back the way you saw them fighting back in Vietnam and World War II, this is a battle. This means we do not have this place under control. We wake up each morning, and there is some new coordinated attack. This time, bomb attacks in three different places on no less than police stations.

Ultimately, I am going to continue to look for ways that we can help our country, but if I were to be absolutely truthful, I would have to say that I do not think the United States is going to get back its credibility, is going to draw allies to us from NATO or anyplace else until we start with a new President of the United States.

Mr. PALLONE. Mr. Speaker, I agree with the gentlewoman. I was thinking about this whole idea of getting our allies involved, and what immediately comes to mind is after the initial incursion the U.S. had essentially routed the Iraqi Army and Saddam Hussein had fled. If you remember, both France and Germany offered at that point to get involved in the rebuilding of Iraq, and the President said absolutely not. He did not want them involved in any way. That is the kind of arrogance we face. I think if we do not have a change of leadership at the top, there is no way to conduct this war.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise this afternoon in solemn recognition of all the soldiers who have lost their lives or who have been injured in the war on Iraq. I want to thank the gentleman from New Jersey (Mr. PALLONE) and the Congressional Black Caucus who stood up for our soldiers in this war.

As I am sure you are aware, Mr. Speaker, April has been one of the deadliest months in the war in Iraq. Approximately 100 troops have lost their lives and countless others have been injured in the escalating violence. I continue to pray for the families of the deceased and wounded and for the safe return of those fighting in the Iraqi desert.

Mr. Speaker, as Members of Congress we must ask the crucial questions that go to the heart of our mission in Iraq, namely, Mr. Speaker, we have the responsibility to our constituents and to our American servicemen and -women to ask what is the strategy for returning Iraqi governance to the Iraqi people. How long are our troops expected to be in Iraq and at what cost in American tax dollars and human loss of life must we expend?

Just last week, the President held a prime-time press conference to address the concerns of the American people regarding the United States occupation of Iraq and the resulting loss of life. President Bush told the American people that we must unequivocally stay the course. But I must ask, Mr. Speaker, is this really a course worth staying? And most courses have an end. On our current course, Iraq Shiites have now joined forces with the Sunnis to fight against the United States occupation of their country.

Mr. Speaker, the irony of this situation is that the United States expected the Iraqi Shiite majority to be the most grateful to the United States for liberating them from years of oppression. But now they are literally united with their former oppressors against the United States.

Mr. Speaker, on our current course, our servicemen and -women do not have the necessary equipment and support necessary to succeed in their mission and furthermore to protect their own lives. Week after week I hear from my constituents and others in the military that are lacking the proper resources despite the fact that they face real and present dangers every day. When I hear these stories I am completely baffled. This Congress recently appropriated $87 billion in addition to the $79 billion in an original funding request for the war efforts in Iraq and Afghanistan. And we were assured that these monies were being used to supply the troops with equipment and other needs.

At that time, I came to the House floor to request a full and complete accounting of what the funds would be used for and received no such reporting. And now, Mr. Speaker, we see a

story in today's Washington Post which reads, ''The Army has publicly identified nearly $6 billion in funding requests that did not make Bush's $402 billion defense budget for 2005, including $132 million for bolt-on vehicle armor; $879 million for combat helmets, silk-weight underwear, boots and other clothing; $21.5 million for M249 squad automatic weapons; and $27 million for ammunition magazines, nights sights and ammo packs. Also unfunded: $956 million for repairing desert-damaged equipment and $102 million to replace equipment lost in combat.''

Mr. Speaker, the article goes on to further say, ''The Marine Corps unfunded budget request includes $40 million for body armor, light weight helmets and other equipment for 'Marines engaged in the global war on terrorism.' ''

Mr. Speaker, this is simply outrageous. While the President tells the Nation that we need to stay the course, his own budget did not include the funds necessary to accomplish that goal.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. We started this Special Order today talking about the lack of planning and the cost of the war and how we are getting all kinds of misinformation in that regard, and it continues. This is the problem. We are hearing now the President saying that he wants to go to the U.N. and internationalize the war, but we are still not getting any adequate information about what the strategy is, what the cost is going to be. And I think those are answers that the American people want.

I think, again, whether you supported the war in the beginning or you did not, I did not, I know most of us who spoke today did not, but that is not the issue any more. The issue is where are we going from here. We are still being given inaccurate information about where we are going.

Mr. CUMMINGS. Certainly the issue is accountability. We simply want accountability. We are asked to appropriate large sums of money, but the question is, where does the money go?

Mr. PALLONE. Mr. Speaker, I want to thank all of our speakers that joined us today.

CREDIBILITY GAP

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

Mr. OWENS. Mr. Speaker, in concert with the theme that has just preceded me in the 1-hour session, I wanted to talk about the credibility of our present administration with respect to the war in Iraq also.

A lot of us have chosen in say that we are into a second Vietnam. And there are some people who are quite upset that we compared the war in Iraq to the war in Vietnam. It is true that the war in Vietnam cost us 58,000 lives, and so far we have only loss 700 officially in Iraq. But should that be the barometer? 58,000 have not died; 58,000 wives, mothers, sisters have not yet cried.

But why wait until that happens? Why not see every human life as being sacred? Every life is sacred. The men and women who die on the battle field give us their total, and we ought to appreciate that by not jeopardizing it for goals that are questionable.

This is a war that should never have been. This is a war that does not have much to do with fighting terrorism.

□ 1615

Yes, Saddam Hussein is gone. He is out of office now, and that is a great benefit for the world, as well as the people of Iraq, but is the price worth it? Are we not paying too great a price just to get rid of Saddam Hussein?

We were never told that was just the objective. We were told it was a question of weapons of mass destruction, and it was a question of Iraq operating in concert with the al Qaeda terrorists. We were told that there were stockpiles of chemical weapons. We were told other reasons other than just getting rid of Saddam Hussein.

Saddam Hussein is gone. The price is too high. We are paying financially more than $1 billion a week to keep the war in Iraq going. We are building schools in Iraq while we are denying construction funds to school districts here in America. We are doing a lot of other things in Iraq which drain money away from badly needed programs here, despite the fact that Iraq has oil deposits which should be able to pay the cost of any rebuilding of Iraq eventually.

So what do we do at this point? Do not ask us to keep begging our troops to remain loyal and steadfast and sacrifice their lives unless you have an exit strategy, a reason for it. We do not want to see 58,000 die.

Our Vietnam memorial wall is one of the greatest monuments of its kind. It does not celebrate one general or a handful who led the war. It celebrates and makes us remember every individual who died. All of our war memorials in the future should do that. Every individual gave their life for their country, for the cause. Regardless of what you think of the cause, they, as individuals, are heroes. We do not want another memorial wall of heroes unless it is absolutely necessary.

Vietnam turned out not to be necessary. The domino theory was not correct. We lost Vietnam, and we still won the Cold War with the Soviet Union. We still won the Cold War with the Soviet Union. We did not go on from Vietnam to other areas.

We have a great affinity and alliance with Communist China right now, which baffles me. Why are we so kind to accommodate China and have so many business dealings with them if we fought and died in Vietnam to keep communism from extending itself across the world?

So my plea is that let us understand the lessons of Vietnam without having first to see 58,000 die. Fifty-eight thousand should not have to die for us to understand that we need to work backwards and understand that eventually we are going to settle this war in Iraq like we settled the complex war in Vietnam.

There was an argument about what the shape of the table would be. Let us look at the same table they used in Vietnam, and let us begin right now to negotiate backwards exactly what our terms are going to be and how we are going to get out and maintain law and order. And I am in favor of maintaining law and order until we do have a strategy and exit that can leave the people of Iraq in better shape than we found them.

Let us do it now. Let us share that plan with Members of Congress. Let us share that plan with the public. Let us share power with all of the members of the United Nations Security Council and all the members of NATO. Let us challenge them to come forward and help us bring it into this. We need more troops. Let them come from Russia, let them come from China, let them come from France, let them come from Germany, but give them the power to help make decisions and exit from Iraq before we have 58,000 of our loyal soldiers die.

APPROPRIATING MONEY

The SPEAKER pro tempore (Mr. BURNS). 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, today I am going to discuss what Congress is doing in the last several weeks and the next several months, and that is appropriating money.

A week or so ago, most of the people in the United States were completing their tax bills. This is sort of a tutorial on what happens to the tax dollars of American taxpayers and what happens to the FICA tax, the payroll deduction tax, taken out of American workers.

I start with a pie chart, if you will, Mr. Speaker, and this pie chart represents how we are spending the $2.4 trillion that we are budgeting for this coming year. We see the biggest piece of pie is Social Security at 21 percent. The previous speakers were talking about defense. Defense and national security, they are probably the prime objectives of the Federal Government compared to what State governments do, and yet we have diminished the share of total Federal spending of defense since World War II down to 20 percent of the total expenditures of Federal Government.

I want to especially pay attention to the 14 percent that says interest. The interest of the Federal Government now is $240 billion a year. That is the interest that we are paying on the national debt. It is an interest rate that

is almost at record lows. Alan Greenspan, the Chairman of the Fed, said today in testimony that interest rates probably are going to increase. We know what interest rates are today, a little over 4 percent for the prime. Compare that to the early 1980s where interest rates were approaching 12 and 13 percent.

Now, if we have a 14 percent of the budget, a cost of $240 billion on the interest we pay out for this increased debt of overspending, that that side of the aisle and this side of the aisle and the Senate and the White House have been overspending, spending more money than has been coming in, if interest rates were to double, and we continue increasing the size of the debt, it is easy to see that servicing that debt is going to be a huge challenge, even for a Nation as rich and as prosperous as the United States of America.

What happens to empires that do not pay attention to serious problems are empires that diminish and cannot survive. So I suggest, Mr. Speaker, it is so important that we start looking at our overspending and our overpromising.

Briefly, to go around the piece of pie, discretionary spending uses up 16 percent of the budget. Discretionary spending is what we spend most of the year doing with our appropriation bills.

Other entitlement spending, the food stamp program, the WIC program, the welfare program, the other entitlement programs, if you reach a certain age or a certain level of poverty, you are automatically entitled to some of those payments. That is what entitlement programs are.

Then we have Medicaid, now at 6 percent of the budget, Medicare at 12 percent of the budget. The projections are that Medicare will overtake Social Security as far as cost within the next 20 years, and that leads me to the overpromising.

Two bad things that Congress does and the administrations for the last 25 years have done, and that is make a promise when they do not know where the money is coming from, and I call that unfunded liabilities.

The unfunded liability report that came out 3 weeks ago, when the actuaries of Social Security and Medicare met, were enormous, and their estimate is that the unfunded liabilities, to pay for programs that we promised but do not have the money to pay for, and so we need extra money on top of the payroll tax and the FICA tax and the other revenues coming in for those programs, amounts now to $73.5 trillion. And remember, what is our budget? Our budget is now $2.3 trillion this year, about $2.4 trillion we are anticipating for next year.

In breaking it down, there are two parts to Medicare. Medicare Part A is mostly the hospitals. Medicare Part A is projected by Tom Savings, one of the actuaries of Social Security, and he is also an actuary of Medicare, he is estimating $20.8 trillion; Medicare Part B, mostly doctors, $23.2 trillion. Medicare Part D, drugs, the drug program that we passed last November, is now estimated to be $16.6 trillion. Last November when we passed that bill, Tom Savings, the same person, estimated the unfunded liability to be about $7.5 trillion, and now with the new report that has just come out for Medicare and Social Security, the estimate has dramatically gone up, and that is based on the increased cost and the increased number of people that are expected to use the program.

Then we come to Social Security, Social Security, a program that was started in 1934 by Franklin Delano Roosevelt. We have made promises in excess of the money coming in from the Social Security tax that amounts to about $12 trillion. The estimate is between $11.9 trillion and $12.3 trillion that we would have to put into a savings account today that is going to have a return to cover inflation and the time value of money to accommodate the money that is going to have to be paid out in future years. So if you want to be really dramatic, you can say what we are going to need in the next 75 years is $120 trillion more than is coming in to Social Security to pay promised benefits.

So what are we going to do? Are we going to reduce benefits? Are we going to increase taxes? Is it going to be a combination? What we have done historically in this country is the combination. We have increased taxes and reduced benefits, and I think the danger might be demonstrated by the predicament that some other countries of the world now find themselves in.

France, for example, the percentage of the payroll that is used to finance the senior citizen population in France is now over 50 percent. So you can imagine a company or a business trying to compete in world trade that has one of two choices with that kind of cost coming out of the payroll tax. They either have to increase the price of their product to pay for it, or they reduce what they are paying to workers. Either way, let us not allow that to happen in the United States.

The country of Germany just went over 40 percent in terms of the amount of payroll tax that is required for their senior population. I just think it is very important that when we talk about this unfunded liability, you compare it. That is about seven times the total production of the United States, the GDP. So it is about seven times GDP. At a little over $2 trillion a year, that means that we would have to come up with the equivalent of about 35 years of government spending to accommodate what would need to be put in a savings account now.

So why do not we pay attention to some of these huge challenges that are facing this country? Let me give you my best guess.

Politicians have discovered that they are more apt to get reelected or elected if they promise more and more benefits, and, look, there are a lot of problems out there. There are a lot of things that need to be doing. So the question is, how much should government do? But we now have evolved into, if you will, dividing the wealth with our tax system where we have 50 percent of the adult population that now pay less than 1 percent of the income taxes in this country. So 50 percent pay less than 1 percent of the income taxes.

What is the natural reaction of some of those 50 percent? The natural reaction is to elect Members to Congress that bring home more pork, that bring home more benefits, that start more social programs, and that is what we are evolving into.

I am a Republican, a farmer from Michigan, and we are now doing our Lincoln Day banquets, the Republican fund-raising dinners, celebration dinners of Lincoln's birthday. It is the 165th birthday of Abraham Lincoln. In his famous Gettysburg Address, he sort of expressed a wonder whether a Nation of the people, by the people and for the people can long endure.

□ 1630

And I think that challenge is now before us.

We hear other Members talking about the conflict of this war. Certainly we have had huge challenges, such as the Civil War. But I would respectfully suggest that the challenges of overspending and overpromising are probably greater in terms of the survival of this great Nation than any of those wars. So somehow, how do we get the discipline to try to make changes?

I chaired the bipartisan Congressional Task Force on Social Security and served on the Committee on the Budget for 8 years and have sort of been on my soapbox, pulling my hair and complaining about the fact that we are not dealing with the increased cost of Social Security and Medicare and our reduced ability to pay for that dramatic increase in cost.

This is another demonstration of the unfunded liabilities. It just says that if we do not make some changes by 2020, 16 years from now, we are going to have to take out 28 percent of that pie chart that we started out with. We are going to have to use 28 percent of the general fund budget to accommodate the shortage of money that is needed to cover those three programs: Medicaid, Medicare and Social Security. By 2030 it is going to be over 50 percent that is required of that budget.

This body and the Senate quite often do not deal with problems until the disaster is almost on us. But the problem with solving Medicare and Social Security is the longer you wait, the more drastic the solution is going to have to be.

The Social Security bills that I introduced when I first came to Congress in 1993, 1994, and 1995 were much simpler then because we had surplus money coming in from Social Security. Right

now, this year, coming in from the Social Security FICA tax will be $645 billion. What we are using to pay benefits out of that money coming in is $490 billion. So there is a little surplus there that we could do something with. But what we do is we spend it for other government programs.

My caution is that this money is going to be running out in the next 8 or 10 or 12 years, and at that time we will have less money coming in from the Social Security FICA tax. That is 6.2 percent on workers now and 6.2 percent on the employer. But, really, if you are going to be fair, it all comes out of the employee's pocket when an employer has to pay part of it, even though it is not a deduction on the check of the employee.

So here is a time that we have more money coming in that offers us the opportunity to make changes to the program and use that surplus money coming in. In my Social Security bill that I introduced 10 years ago, I did not require any extra funds. The Social Security bill that I have introduced this session requires that we borrow almost $1 trillion from outside borrowing to accommodate a transition to keep Social Security solvent for the long run.

I thought it would be good just to give sort of a thumbnail impression on a chart of the predicament we face in Social Security in the future. What happened with the Greenspan Commission in 1983, they decided the way to solve the Social Security problem and the increased number of seniors in relation to the people and workers paying in that money was to raise taxes and reduce benefits. So they said, starting in 2001, we would start increasing the retirement age for maximum benefits from 65 to 67, and they said we are going to dramatically increase the taxes that are charged to American workers by a 20-plus increased percentage on the increase in taxes.

Here is how Social Security works. Benefits are highly progressive. Everybody pays the 12.4 percent tax. If you are self-employed, you pay it all yourself. If you have an employer, then, theoretically, the employer does not pay you quite so much and the employer pays 6.2 percent and 6.2 percent is deducted from the employee's wages. At retirement, all of a worker's wages, up to the tax ceiling, which is now $89,000, are indexed to the present value using wage inflation.

In other words, it is not complicated, but if wages for a particular job double every 12 years, and you were making $20,000 12 years ago, then that would be indexed in the computation of your Social Security benefits up to $20,000. So it is what that particular job would pay today is how they calculate the kind of benefits you are going to get.

And here is how it is calculated. The progressivity of the program says if you are a low-wage earner, earning less than $7,344, you get 90 percent back in Social Security checks of what you were making while you were working. Then the difference between the $7,300 and the $44,000 is 32 percent. So 32 percent of the earnings between the $7,300 and the $44,200 you get 32 percent of that back, and you only get 15 percent back over the $44,000.

Now, what I do in my Social Security bill to come up with some of this extra money, I add what are called ben points, but I add another ben point of 5 percent. What that means is that if you are a high-wage earner retiree, the increase in your benefits are slowed down. So we make it a little more progressive and we save some of the money to make the transition to really investing some of this money that is coming in and getting a better return than the 1.7 percent that the average retiree gets in Social Security.

Let me just mention that early retirees receive adjusted benefits. So the actuaries make the best guess of how long the average person is going to live. So on average, the person that retires at 62, with a slightly lower benefit, is going to receive the same total benefits by the time they die as the individual that waits to 65 or 66 to start drawing benefits.

And, by the way, if you wait until you are age 66 or 67, there will be a 4 percent increase for each one of those years to increase your Social Security benefits. So if you are jogging, if you are really healthy, it might be in your best interest not only to wait from 62 to 65, but to maybe wait and retire at 66 or 67.

SSI, by the way, does not come out of Social Security. There is a lot of concern amongst my constituents in lower central Michigan who complain about those who are receiving Supplemental Security Income payments who do not deserve it. But SSI comes out of the general fund. Even though the Social Security Administration administers and handles that program, it does not come out of the Social Security trust fund.

Well, insolvency is certain. We know how many people there are, we know when they are going to retire, we know that people will live longer in retirement, we know how much they will pay in, and we know how much they will take out. Also, the payroll taxes will not cover benefits starting in 2017. The shortfalls will add up to $120 trillion between 2017 and 2075. The $120 trillion is what we are going to need in future years. What we need right now is to put $12 trillion in a savings account with compounded interest that will grow at least at the rate of inflation.

The demographics are what is bringing this pay-as-you-go program to a crisis situation. There are 78 million baby boomers beginning to retire in 2008. The baby boomers are what we call those babies that were born right after World War II, roughly from 1946 to 1966, that age group, that are now in their maximum earning. So they are paying in maximum social security taxes, but also, when they retire, number one they stop paying those taxes in and they start taking out maximum benefits.

The baby boomers that are retiring probably will be the most well-off generation that we probably have ever had in this country, possibly the best well-off generation that we will ever have in this country, considering the fact that we are putting a huge burden on future workers and future retirees by making more promises than we can afford and going deeper into debt.

Social Security spending exceeds tax revenues in 2017, and so Social Security trust funds go broke. Technically, if we pay back the $1.4 trillion that we now owe the Social Security trust fund, then that will allow Social Security to continue. But the problem is that the trust fund contains nothing but IOUs.

And here is a worse situation, or a more dangerous situation. The Supreme Court, on two occasions now, has said that no one is entitled to Social Security benefits, and it does not make any difference whether you paid in social security taxes. Social security taxes are simply another tax, is what the Supreme Court said; and benefits from Social Security are simply a new benefit passed by Congress and signed into law by the President.

This chart sort of pictorially represents the demographics of living longer, of seniors living longer and the birthrate going down. So back in 1940, there were about 36 workers paying in their Social Security tax for every one retiree. By the year 2000, it came down to three workers. So we dramatically increased taxes. The estimate by 2025 is that there is going to be two workers paying in their Social Security tax for that growing number of seniors. There is going to be two workers paying in their tax to accommodate the Social Security benefits of every one retiree.

This is a huge challenge in terms of putting this kind of pressure on our workers, and we talked about what has happened to the tax rate in countries like France and Germany and the predicament that now Japan is facing with their senior population.

I did this picture of FDR just to start a discussion of should we have privately owned accounts. When Franklin Delano Roosevelt in 1933 started advocating a Social Security System of mandated savings while you are working, to help assure that you will have a little Social Security instead of going over the hill to the poor house when you retire, he started out saying that individuals should own their own savings account, but it should be a law that they had to put so much money in it, and that it should be a law that they could not take it out until they reached the retirement age of 65.

By the way, when we started Social Security, the retirement age was 65; but the average age of death was 62. That meant most people paid in their Social Security tax but did not live long enough to take out Social Security benefits. And, of course, the program stayed funded very well. But

today, the deduction is made on your payroll check; and immediately, within 3 or 4 days, that money is sent out to beneficiaries. So we are going deeper in the hole even as we increase taxes and reduce benefits.

Social Security benefits are indexed to wage growth. And I say that because I hear so often many of my colleagues saying that when the economy gets better, then everything will be okay. But because benefits are indexed to the wages you make, and even if there are more people that have a job and more money coming in to Social Security in the form of taxes, and maybe some are making higher wages so they pay in a higher amount, that 12.4 percent times the higher amount of earnings, because eventually when they retire they are going to take out more from Social Security, in the long run economic growth does not solve the problem that we are facing with Social Security running out of money.

□ 1645

Growth makes the numbers look better now, but leaves a larger hole to fill in the future. I think what has happened with a lot of Members of Congress is that it is easy to put off the solution. When I give speeches in Michigan and around the country, a lot of people say if Congress would just keep their hands off the Social Security trust fund and that surplus money, everything would be okay.

Well, I did this bar chart to represent what the Federal Government now owes the Social Security trust fund. We borrowed $600 to $700 billion; but because we will write another IOU for interest, the total debt that government owes the Social Security trust fund is now $1.4 trillion; but the total problem needs $12.2 trillion. So we owe $1.4 trillion that is in the trust fund, but to solve the problem we need between $11.9 trillion and $12.3 trillion to solve the problem. Government should stop taking that money and spending it for other government purposes. We also need to start investing some of the short-term surplus we have had.

Like I mentioned, coming in from the Social Security trust fund today, there is about $645 billion, and what we are paying out in benefits is $490 billion.

I will jump to the second blip. The Social Security trust fund contains nothing but IOUs; and to keep paying promised benefits, payroll tax will have to increase by nearly 50 percent, or we will have to cut benefits by a third. I have a chart that I will be coming to on how Washington has increased benefits over the years. But I wanted to show this chart to try to demonstrate that Social Security is not a good investment. It is nice to have that guarantee. Nobody is suggesting any Social Security reform. Certainly not in the five or six bills that I have introduced, nobody touches the disability portion, so getting hurt on the job continues to be a Federal Government insurance policy and nobody is touching that. All we are dealing with is the old age and survivor benefit portion of Social Security. By the way, in only 5 years, the disability insurance is going to have less money coming in from that particular trust fund than is needed to accommodate disability payments.

This chart shows that the average return for the average retiree is 1.7 percent of what they and their employer sent in to Social Security. I put down what has happened in the last 10 years in the Wilshire 5,000 stock market. The Wilshire 5,000 earned, even with the 3 bad years we have been experiencing on stock markets and equities, the average over the last 10 years has been 11.86 percent. If we take the last 100 years in this country where we have kept track to what has happened to stock and equities, the average is 7.4 percent. So in some way, we can guarantee that you can have a better return on your private accounts. And so what I do in my proposal in my bill, I allow 3.5 percent of your wages to be put into your own personal retirement account and then we limit where you can invest it. Simply to try to get Democrats on board, and my bill is a bipartisan bill, we have added provisions where any investment is going to be limited to index stocks and index bonds.

But I think one of the challenges that needs a lot of explaining is the fact that we hear Members of Congress brag sometimes that we are paying down the debt, and that is not true. One of the strong advocates of explaining the fact that the debt is never really reduced is the gentleman from Maryland (Mr. BARTLETT).

Mr. Speaker, I yield to the gentleman for his comments and maybe a couple of his solutions on Social Security, Medicare, going deeper into debt, and unfunded liabilities.

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to spend a moment talking about the debt and some terminology that we use. I suspect there is not one person in 100 outside the beltway, and maybe not many more than that inside the beltway, that knows that the public debt and the national debt are not the same thing. For about 4 years we were telling the American people that we were paying down the public debt. That was true. The implication was that we were paying down the debt which the government owes and that was not true. Let me explain why that was not true.

The total debt that we owe is called the national debt, and that is made up of two subparts. One of those subparts is the public debt, and the other subpart is the trust fund debt. The public debt is the Wall Street debt. And the lockboxes we had on Social Security and Medicare, and these lockboxes did nothing to preserve and protect Social Security and Medicare, they are totally unrelated to the future of these two funds, what the lockbox said was if we had a surplus, and we did and do for the moment in those two, that we cannot use that surplus for ordinary spending. We have to use it to pay down the debt. The debt that we pay down with that is the public debt. But for every dollar that we pay down the public debt, the trust fund debt goes up a dollar, and the total of those two debts, which is the national debt, does not change at all; but there are 50-some trust funds and only two of them had a lockbox or have a lockbox now.

So we took the surpluses, and there are surpluses in others, like the civil service retirement and railroad retirement and transportation trust fund and there are surpluses in some of those, and so we happily took those surpluses and spent them.

Mr. SMITH of Michigan. Mr. Speaker, our forefathers thought they were putting a little safeguard on it when they said if you ever increase the debt limit of this country, you have to vote in the House and the Senate, and it has to be signed by the President. They thought that might protect us a little bit in not dramatically increasing the debt the way we have. I think what the gentleman is saying is the fact that the total debt has never gone down.

Mr. BARTLETT of Maryland. That is true. I checked with GAO, and they told me that although there were 14 months during those four periods when revenues exceeded expenditures, if we kept our books on an accrual basis, like we force every business that handles more than a million dollars a year to do, there never was a moment in time when the debt went down. What that meant, of course, was that we were getting ever closer and closer to the debt limit ceiling. I kept teasing Members by quoting the Bible, ''Surely your sin will find you out.'' What are you going to tell the American people when we are going to have to raise the debt ceiling limit when we have been telling them all this time that we are paying down the debt?

As a matter of fact, we had to do that in a very interesting evening. We debated until about midnight. We debated for hours. We were being harangued, how could you be so irresponsible? How could you run up the deficit and the debt? At midnight we recessed and we convened the Committee on Rules. They came out with a rule about 1 a.m. that said we were going to debate the rule for 1 hour and then go immediately to a vote on the bill. So we did that, and we raised the debt limit ceiling.

As Members know, because we were embarrassed by that, we decided we would not want to do that again in the future. So what we did, without my vote and against my wishes, we voted the Gephardt amendment.

Mr. SMITH of Michigan. Mr. Speaker, I hope Members are watching this just as a reminder of what we have done to try to not embarrass ourselves as we sort of secretly increase the debt.

Mr. BARTLETT of Maryland. What we did was to incorporate the Gephardt amendment, which said whenever we

pass a budget resolution that the debt limit ceiling would be raised whatever it needs to be raised to accommodate the spending anticipated by the budget resolution. But budget resolutions do not include emergency supplementals, and we keep voting emergency supplementals because we do not want the budget resolution to be such a high number.

In the future, there will be another debate on raising the American debt limit ceiling, and I hope America is listening when we do that. What we are doing is amassing the largest intergenerational debt transfer in the history of the world. We cannot run our government on current revenue, and so what we are doing is systematically borrowing from our kids' and grandkids' future. When I ran for Congress 12 years ago, I promised those who I hoped to be my constituents, and they are my constituents now, that I would try to conduct myself here so my kids and grandkids would not spit on my grave because of what I have done to their country. I am still trying to do that.

I think it is unconscionable for us to amass this larger and larger debt that we are going to pass on to our kids and grandkids.

Mr. SMITH of Michigan. Members are pretending that our problems today are so important that it justifies taking the money that our kids and grandkids have not even earned yet. It is sort of like breaking into their piggy bank and saying I will try and pay you back some time, but for now let us go out and buy some candy bars and ice cream. There might be a better word, but ''unconscionable'' comes to my mind to consider the burden of debt, to consider the burden of promises that exceed our ability to pay for them in terms of unfunded liabilities that we are placing on future generations.

Mr. BARTLETT of Maryland. What we are doing is systematically borrowing from our kids' and grandkids' future. We cannot run our government on current revenue, so what we are doing is borrowing from their future. When it comes their turn to run the government, not only will they have to run it on current revenues, but they will also have to pay back all of the moneys we borrowed from their generation.

We have a systemic problem here, and that is by law the only place we can invest these surpluses is in nonnegotiable U.S. securities. These surpluses are the order of magnitude of about $200 billion a year, more or less. The only place we can invest them is in nonnegotiable U.S. securities. There is no money laying around Washington we have not spent. As a general rule, government spends all of the money you give it plus as much more as it can get away with. This government is no different.

I think it is important for our people, our kids and grandkids, to understand what we are doing. The reason I am so concerned about this fact that we are hiding some of the deficit is that it is obscuring the magnitude of the problem. I think the American people want us to balance the budget, and I think they want us to do it honestly.

Last year we were told that the deficit was about $500 billion, but the debt went up $700 billion. That is because the $200 billion in Social Security surplus and Medicare surplus that we took and spent is not called deficit, but it does represent debt.

Mr. SMITH of Michigan. Mr. Speaker, this pie chart shows that currently the interest that we are paying on the debt, servicing the debt, the interest is $240 billion a year. This represents 14 percent of the budget. Yet interest rates are almost at record low levels, and so what happens as we increase the debt by $500 billion to $700 billion a year, and interest rates go up, and Alan Greenspan said today that is going to eventually happen, it is going to eat up a bigger piece of that pie. One of these days it has got to come to our obvious attention that something needs to be done to control spending.

Mr. BARTLETT of Maryland. I would hope, because we cannot continue to amass this ever-increasing debt. As the gentleman stated, interest rates are now very low, and still interest on the debt is a meaningful percentage of the largest item in our budget, which is defense. When interest rates go back to normal levels, the interest on the debt will be just about as much as we are spending on defense.

Mr. SMITH of Michigan. Right now interest is 14 percent of the budget. Defense is 20 percent of the budget. It is easy to at least assume there is a good possibility that the very low interest rates today could double. That would mean $440 billion a year, or 28 percent of the budget. It would mean our borrowing and servicing that debt is more important than what government should be paying attention to, and that is security and defense.

Mr. BARTLETT of Maryland. By the way, the interest on the debt is part of what we call mandatory spending. Our total expenditures this year will be about $2.4 trillion. We will vote on about one-third of that, about $800 billion, and about half of that will be defense. Defense is running roughly half of our total discretionary spending. This mandatory spending is kind of hidden, but it represents two-thirds of all of the money that we spend.

□ 1700

Mr. SMITH of Michigan. And, Mr. Speaker, of course the lobbyists that come in, they would prefer that it be mandatory spending; so some of these programs, if they can write it in law that if they meet certain qualifications, they automatically get it and it does not go through the appropriation process, it is not subject to prioritizing. So we have ended up with more and more of our budget being spent in this mandatory spending, and really even though technically defense is discretionary, most of the defense budget becomes the kind of obligation, because that is what we are here for, defense and security, becomes almost untouchable.

Mr. BARTLETT of Maryland. Mr. Speaker, a bit more than half of all the expense budget is salaries, and we now do not have enough military personnel, who are having to extend their tours. They have been on the ground over there, reservists on the ground for a year, and now they are being extended for 3 or 4 months. So obviously unless we are going to have fewer people in the military, we are not going to be able to cut defense spending.

So the gentleman is right. In a sense a lot of that is mandatory because we cannot imagine a smaller military because our present military is really not large enough to do what we are now attempting to do because we are having to extend reservists who have already been there a year.

Mr. SMITH of Michigan. Mr. Speaker, how do we change? How do we develop the kind of discipline, intestinal fortitude to start slowing down this huge growth of government to the extent that we have decided we will simply borrow more and more money to take home to our districts or to start new social programs? Does the gentleman have any thoughts on how we can discipline ourselves better than we have been?

Mr. BARTLETT of Maryland. Mr. Speaker, we need to get back to constitutional government. Thomas Jefferson said, The government which governs best is the government which governs least. Now we are a million miles from his dream of what his country would be at this time in history. And we need to look at our Constitution at what our Founding Fathers believed the Federal Government ought to be doing.

And there are several things that we spend a lot of money on, and I will challenge my colleagues to go to Article I, Section 8, and that is the part of the Constitution that delineates the appropriate functions, the allowable functions of the Federal Government, and find any justification for philanthropy. I really believe in philanthropy, but they did not believe it was the proper function of the Federal Government. We will see no hint there that we should be involved in health care other than the health care of our military people. We are responsible for them. We will find absolutely no hint that we should be involved in education. As a matter of fact, for the 24 straight years when the SAT scores were falling lower and lower and lower in our schools, the Federal Department of Education was getting better, bigger and bigger and bigger, and exerting more control over education. We contribute about 6 percent, 5.9 I think is the actual number, percent of the funds for education. We would like to have 100 percent of control. We just need to get back to constitutional government.

Our Founding Fathers believed that States do some things better, many things better, than the Federal Government. They believed that the private sector did most things better than government. And what we are now trying to do is to have government do more and more of what our Founding Fathers thought that the private sector ought to be doing.

Mr. SMITH of Michigan. Mr. Speaker, I think it is good to remind ourselves that our Founding Fathers in the original Constitution did not want to penalize individuals that were going to school and working and saving. So the original Constitution says we cannot have a tax based on how much we earn, and that is what we were founded on. That is part of the incentive. But this body and Congress and the White House over the last 50 years have decided trying to equalize that wealth, dividing the wealth, taxing the people that have made it a little more and giving that back in some forms of government service to the individuals than have not. And there is a balance there. There is a golden mean.

We want to help people that really need help, but we need to try to develop programs that help lift them up because we have got now a tax system that the young couple that decides to go get a second job ends up not only being taxed more for working harder to try to earn enough money to do well for their family, but they get taxed at a higher rate. So we have sort of evolved into taking away from the people that work hard and try and are successful, and dividing that wealth in a system of government where now 50 percent of the adult population of the United States now pay less than 1 percent of the total income tax.

Mr. BARTLETT of Maryland. Mr. Speaker, our Founding Fathers not only did not permit personal income tax in the Constitution, they prohibited it with the original Constitution. So to get a personal income tax, we had to amend the Constitution.

The numbers that the gentleman mentioned are very interesting. The lower 50 percent of taxpayers pay 4 percent of our taxes. The upper 50 percent of taxpayers pay, I think, 96 percent of our taxes. And the top 1 percent of taxpayers, I think, pay 34 percent of our taxes. So if we are going to give a tax cut to people who pay taxes, people who pay taxes are going to get a tax cut. And since 34 percent of the taxes are paid by the top 1 percent of wage earners, and the top 50 percent of wage earners pay 96 percent of the taxes, clearly those who earn money are going to get a tax cut because they are the ones who pay taxes.

Mr. SMITH of Michigan. Mr. Speaker, so there we come to the popular criticism that it is a tax cut for the rich, but because of the fact that that 50 percent of the population pay essentially very little of the income tax, when we have any kind of a tax cut, it tends to go to the 50 percent that do pay taxes. So here again it is a balance.

But as we talk about jobs and economic expansion, when we have a system that taxes our companies and our businesses 18 percent more than what their competitors in other countries are taxing their businesses, we are putting our business at a competitive disadvantage, and our overzealousness to pass on new regulations and more taxes so that this body and the Chamber across the Capitol can have more money to spend I think is one of the negatives and something we have to correct if we are going to expand business and jobs and the economy in this country.

Mr. BARTLETT of Maryland. Mr. Speaker, in a former life I was a small businessman, and I would like to make the argument for a moment that it is impossible to tax business. A tax on a business simply becomes a part of the cost of doing business. If they are going to stay in business, they have to pass that cost on to the consumers, to their customers, which makes a tax on business the most regressive tax we have because the poorest of the poor pay more for everything they get, more for their food, more for their clothing, more for everything they get, all goods and services, because these companies are taxed. So the poor are hurt, first of all, because everything they buy costs more because we are taxing businesses. And, secondly, they are hurt because the tax on business, as the gentleman pointed out, makes them less competitive in a global marketplace. So finally they become noncompetitive, and the job disappears here and appears somewhere on the Pacific Rim. So the poor person who had to pay, to begin with, more for the things he bought now does not even have a job to earn the money to buy the goods. So it is a doubly regressive tax.

My liberal friends, when we talk about this, seem to understand it for about 5 minutes, but 10 minutes later they are saying, those rich businesses, we really need to tax them. But in the final analysis we cannot tax a business. It simply becomes a part of the cost of doing business, and they pass that tax on to their consumers.

Mr. SMITH of Michigan. Mr. Speaker, I happen to be the prime sponsor of the flat tax. But whether it is a flat tax or a value-added tax or a type of sales tax, we need to change our Tax Code if we are not going to continue to put a lot of people at a disadvantage and a lot of businesses at a disadvantage. Most of our businesses pay the same 1040 personal income tax that the gentleman and I do. As we increase the tax on those businesses, it hurts the chances of the survival of that business.

How do we get the discipline? How do we get the discipline to police ourselves? We are talking about a PAYGO bill. Maybe that will help. It sort of helped during the 1980s and some of the 1990s, but convincing the American people, I think, might be the best way in terms of getting that voice heard in this Chamber and in the Senate Chamber and at the White House.

Mr. BARTLETT of Maryland. Mr. Speaker, I think there are two ways that we can discipline ourselves. The first is that we need to understand that it is unconscionable to amass an ever larger and larger debt that we are going to pass on to our kids and our grandkids.

By the way, the gentleman was talking about Social Security earlier. A recent poll of young people believe more that they would see a UFO than believe they would ever see a Social Security check. So this is not a big vote of confidence in our system.

I think there are a couple of things that we need to do to curb spending. One is to recognize how unconscionable it is to continue to amass a larger and larger debt we are going to pass on to our kids and our grandkids. And the second thing is we need to go back to the Constitution. We would not have any problem in spending if we would just stop the spending on things that are unconstitutional.

There was a very interesting speech that Davy Crockett gave in the Congress. There was a fire, when he was here in Congress, over in Georgetown, and they could see the buildings burning over there, and there were a number of people who were burned out of their homes, and one of them was a widow woman for whom everybody felt sorry. So a couple of days later, the Congress voted $20,000, which is not much today, it was a whole lot more money then, $20,000 to help the victims of this fire.

Davy Crockett was campaigning a bit after that, and there was a farmer in a field who came to the end with his horses and stopped them, and he told Davy Crockett, I have always voted for you in the past, but I cannot vote for you anymore. And Davy Crockett asked, Why can you not vote for me? So he reminded him of this fire. He reminded him of what they had voted. And he said, Sir, that was not your money. That was my money. Philanthropy is not a proper function of the Federal Government. I cannot vote for you anymore.

Davy Crockett came back and gave a speech, and I am sure people can find it if they go on the Web and click on Davy Crockett. They can find his speech there. This was a great speech. It points out that no matter how philanthropic that is, that that is not a proper function of the Federal Government.

As a matter of fact, the Bible says, ''It is more blessed to give than to receive.'' Does the gentleman from Michigan know a single person who has a good warm feeling on April 15 because so much of their money is going to philanthropy? Has not the government usurped the role of philanthropist and denied our citizens the reward that the Bible promises, that it is more blessed to give than to receive? A whole bunch of the money that the

government forcibly takes from us on April 15 goes to philanthropy, a totally inappropriate function of the Federal Government, a constitutionally denied function of the Federal Government. And because they thought that we might not understand, 4 years after the Constitution was ratified, they ratified the first 10 amendments, the tenth of which, the most violated amendment in the Constitution, the tenth of which says it in everyday English, and we cannot find it in Article I, Section 8. The three things I mentioned I cannot find there. And I defy anybody to take out their Constitution and find it.

Mr. SMITH of Michigan. Mr. Speaker, the gentleman from Maryland (Mr. BARTLETT) carries the Constitution in his pocket.

Mr. BARTLETT of Maryland. I always have a Constitution next to my heart.

Mr. SMITH of Michigan. Mr. Speaker, I want to show this chart of what government has done historically every time Social Security has less money than what is needed to pay benefits, and it is a pay-as-you-go program. It is deducted from the paycheck at the end of the 1 week or the 2 weeks or the month, and within days it is sent out to beneficiaries. So there is no savings account with one's name on it. So we have run into problems of not having enough money in Social Security to pay benefits on several occasions, but what we have done historically, and I use this because I think it is a danger of what can happen in the future, is simply that we have increased taxes and reduced benefits. This is a chart that shows the increase in taxes.

In 1940, we had 2 percent of the first 3,000. By 1960, it went up to 6 percent of the first 4,800. By 1980, 10 percent-plus of the first 26,000. In 2000, 12.4 percent of the first 76,200. And currently it is not a rate increase, but it is a base increase; so it is the same 12.4 percent on the new base of $89,000 a year. So continually we have continued to increase taxes on working Americans to the extent that most working Americans now pay more in the Social Security tax than they do in the income tax.

Mr. BARTLETT of Maryland. Mr. Speaker, I object to calling this Social Security because it is clearly not Social Security. If that is all one has at their retirement, they are in a world of pain and hurt. If we look at those dollars over there, we see that on many pay stubs the FICA tax is the biggest tax that we pay. That worker has every right to believe that since it is called Social Security, because it is the biggest tax item on his pay stub, that it is Social Security. So he is not doing what he ought to be doing, saving providently for his retirement.

We need to change the name of that. It is not Social Security. It never was Social Security. It never was intended to be Social Security. But the tax has gotten so large, and it has gotten large because originally there were 42 people working for every 1 on Social Security. Today it is three people working for every one on Social Security. Shortly it will be two people. That is a pretty heavy burden to carry, two people supporting one. That is why the trust fund will be depleted.

□ 1715

We will be able to meet only 70 percent of the demands on Social Security.

Mr. SMITH of Michigan. So the challenge is Social Security has an unfunded liability of about $12 trillion now. But now we have made even more promises in Medicare and Medicaid. So not only deficit spending is how much we overspend in one year; the debt is adding up every year's overspending. It is now over $7 trillion of debt in this country, in addition to the promises that do not know how we are going to pay for.

But within the next 3 months, Congress probably again, as the gentleman from Maryland (Mr. BARTLETT) and I talked earlier, is going to have to face up to increasing the debt limited. My guess is we will do it again like we have done in the past, so that we do not have to talk about it, so we are not embarrassed in this Chamber. It will be some legislation that is hidden in the rule, so if you vote for the rule you vote for an increase in the debt limit, which I think should disturb us, because it does not make us stand up and deal with the huge challenges we are facing in this country in terms of overpromising and overspending.

Mr. BARTLETT of Maryland. $7 trillion is a very big debt, but I would like to talk for a moment about the debt.

If we kept our books like we force companies to keep their books, and some people say that we keep Enron-type of books, if we had to count as debt the contingent liabilities, our debt would not be the $7 trillion. It would be, I am told, between $25 trillion and $30 trillion, and some people think as much as $60 trillion.

I think that we need to keep the kind of books that we require businesses to keep. I think the American people have a right to know what the debt is that totally they owe. If you divide this by the number of working families, I think it is, what, about $10,000 for every man, woman and child in the country.

Mr. SMITH of Michigan. The debt is $7 trillion divided by about 290 million. It comes out to almost $25,000 for every man, woman and child in terms of their share of the debt.

Mr. BARTLETT of Maryland. That is about $10,000 per family. Just paying interest, by the way, the first thing that comes out of your paycheck is interest on the debt. Before you can do anything, before you can build roads or fund your schools or do anything, you have got to pay interest on the debt. So it comes right off the top. Every year we do not balance the budget makes it that much harder to balance the budget next year, because we have a larger interest debt to pay.

By the way, in our fondest dreams today, in 4 or 5 years we are going to cut the deficits in half? That will not get us there, will it?

Mr. SMITH of Michigan. No plans. I do not see it in terms of responsibility much different than what any family should do, what any business should do, and that is you cannot just keep going deeper and deeper into debt without any plan to ever pay that debt back.

I am a farmer from Michigan, the gentleman is a farmer from Maryland, and philosophically we felt that if we can pay down the mortgage on the farm so that we can leave our kids a little better chance of having a better life than we have, we should.

But in this body, in Congress, we are not doing that. We are not only not paying down the debt; we are increasing the debt load that they are going to have to be responsible for, and the tremendous amount that is going to have to come out of their pockets to pay the increased promises and even the interest on the debt, not even mentioning starting to pay that debt down.

Mr. BARTLETT of Maryland. The gentleman mentioned the family as an analogy of our country. In a 4-year period, we went from being the world's largest creditor Nation to being the world's largest debtor Nation. I saw a fascinating editorial that said, gee, is that not great? Look how credit-worthy we are.

I related that to my family. I said, gee, if last year I had $10,000 and this year I owe $10,000, I am having some trouble figuring out that I am better this year than I was last year.

That is what this editorial was saying: Is it not nice that we are so credit-worthy that we now are the world's largest debtor Nation? We in 4 years, we went from the world's largest creditor Nation to the world's largest debtor Nation.

Mr. SMITH of Michigan. It is a whole different 1-hour debate and discussion; but just, for example, one country, we have $100 billion deficit trade with China, and what does China do with that extra $100 billion? They probably invest it in our companies, or buy some of the property in the United States. So it makes this country more vulnerable.

But in terms of the total debt, both our Treasury bills, the debt of companies, we are becoming more and more dependent on other countries.

It is time we took ahold of ourselves, pulled ourselves up from our bootstraps, and started to be responsible, and not leave the kind of debts and responsibility to our kids and our grandkids simply because we think our problems today are great.

I thank the gentleman from Maryland for joining me.

SUPPORT THE VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the

gentleman from New Jersey (Mr. HOLT) is recognized for 60 minutes.

Mr. HOLT. Mr. Speaker, I would like to address the subject at the heart our democracy, voter confidence. What is the central act, Mr. Speaker, of our democracy? It is the vote. For that to work, we must have confidence. In fact, for our government to work, we must have the confidence of the citizens. This is a self-governed country, and it only works if we believe it does. It only works if we maintain faith in the system.

Now, obviously, that has a lot to do with how elected officials behave today, it has a lot to do with how the citizens feel that their money is spent, it has a lot to do with how much we elected officials stay in touch with the people.

But it also has to do with the process of voting, itself; and in recent efforts to strengthen our voting procedures, particularly following the problems that became apparent in the 2000 election, a number of changes have been made that might actually serve to reduce voter confidence.

In November of this year, it is expected that 50 million votes, almost one-third of the votes that are likely to be cast in this country, will be cast on machines, touch screen, electronic machines, what are known as direct recording electronic voting machines, or DREs; and these 50 million votes will be unauditable. If we do not pass legislation requiring a voter-verified audit for each vote at the time each voter votes, we may as well outlaw recounts.

Now, I ask my colleagues if they know any candidate for office who would want to run without the possibility of a recount if there were questions about the election. If we do not take legislative action, we might as well outlaw recounts in Federal elections. Somewhere along the way, we allowed the vote count to become privatized, and we should act now to undo that.

In July of last year, California Secretary of State Kevin Shelly released a report of a touch screen task force. It was comprised of computer scientists, election officials, representatives from the Secretary of State's office, election reform groups, and election officials. This task force said, ''There needs to be voter verification imposed by a date certain.''

By voter verification, what they meant was a procedure, a mechanism, so that each time a voter goes into the booth that that voter can verify that his or her intentions are correctly recorded, in other words, that the vote cast is the same as the vote recorded.

Now, at the same time that the Secretary of State of California was releasing this task force report, computer scientists reviewed the source code used by one of this country's major voting machines; and their analysis, which is commonly referred to as the ''Johns Hopkins Report,'' found that ''this voting system is far below even the most minimal security standards applicable in other contexts. We identified several problems, including unauthorized privilege escalation, incorrect use of cryptography, vulnerabilities to network threats and poor software development processes. We show that voters without any insider privileges can cast unlimited votes without being detected by any mechanism within the voting terminal software. Further, we show that even the most serious of our outsider attacks could have been discovered and executed without access to a source code. We conclude that this voting system,'' and now this is one of the most common voting systems in America, ''that this voting system is unsuitable for use in a general election.''

Well, there are a lot of technical computer science terms there, but what they mean is the software is unreliable, that the machines may not record the votes the way the voters intended them to be recorded, either through inadvertent error or through malicious software hacking.

The State of Maryland commissioned a third-party review of their electronic voting machines. This review was conducted by Science Applications International Corporation, SAIC, last summer. A version of that report was released and it said: ''This risk assessment has identified several high-risk vulnerabilities in the implementation of the managerial, operational, and technical controls for the voting system. If these risks are exploited, significant impact could occur on the accuracy, integrity, and availability of election results. The system is at high risk of compromise.''

Again, this is written in technical terms, but it says quite simply, your vote may not be counted.

Now, even if great pains have been taken to get rid of the bugs in the software and the systems are guarded so hackers do not get to them, we still cannot be certain, we still cannot be certain that the system works to record the voters' intentions accurately.

Now, some election officials say, well, we have been using these electronic machines for several years now and we have never had a problem, to which I say, Mr. Speaker, how do you know? If the system has an obvious breakdown, then you know it does not work. But if it appears to be recording votes, you cannot know, fundamentally cannot know whether it does work.

That is why it is necessary that there be a parallel audit trail, so that each voter owns the verification. Not some discount company that vouches for its machine, not even the election officials of the State, but the voter herself or himself can verify that the vote that is recorded is the vote that was intended.

Maryland commissioned yet another study, because there was continuing uncertainty following the really troubling results of that first study. This study, prepared by another organization, was released in January of this year. It was based on what they called a ''red team exercise,'' a deliberate attempt to compromise the system, to see how easily they could be compromised.

That reported said: ''The State of Maryland election system, comprising technical, operation and procedural components, as configured, contains considerable security risks that can cause moderate to severe disruption in an election.''

Mr. Speaker, we are talking about the central act, the centerpiece of our democracy, voting. What could be more important?

Well, there is a way to deal with this problem. It is technologically and practically feasible. In fact, it is easy to give each voter the control of the verification, to give each voter the assurance, the confidence, that his or her vote has been recorded the way she or he intended.

I have introduced the Voter Confidence and Increased Accessibility Act. I introduced this about a year ago, working with a number of computer scientists and election officials and others, seeking input from civil rights groups and public interest groups and groups of citizens with physical disabilities; and we crafted language that would solve this security problem.

Quite simply, my legislation would require that all voting systems produce a voter-verified paper record for use in manual audits. So you go into the booth, if there is an electronic machine, one of these DRE touch-screen machines, for example. You would vote. Before you submit the vote, after you have chosen the candidates and selected your position on the referenda and so forth, the machine would produce a parallel audited record, a paper account of your vote.

□ 1730

One can look at it and say, yep, that is my vote. Or if it is not, one can declare it a spoiled ballot and have the election officials reset the machine and vote again, or, vote once and the other ballot is disposed of.

The legislation would not only require a voter-verified paper record for each voter at the time of voting, it would ban the use of undisclosed software and wireless communication devices in voting systems. It would require that all voting systems meet these requirements in time for the general election of this year, November 2004. It would require that electronic voting systems be provided for persons with physical disabilities 1 year earlier than is provided under the current versions of the law.

My legislation would also require mandatory surprise recounts in one-half of 1 percent of all jurisdictions so that the voters, each voter, can have assurance that the system is working. This will go a long way toward removing one of the areas of uncertainty.

I think any of us, when we hold town meetings or just walking around the

streets of our towns, we encounter people who say, ''I do not vote. My vote does not count.'' I spend a lot of time arguing with people like that. As someone who won an election by a razor-thin margin once, I can assure them that every vote does count.

But more and more I hear people saying, my vote will not be counted. And that is a very troubling sign. If people do not go to the polls for whatever reason, it is a loss to democracy. It is a tragedy for our country. And we dare not let them have the excuse that their vote will not be counted because the machine will malfunction, because there are bugs in the software, or because the software has been tampered with.

The centerpiece of our democracy, that is what we are talking about.

And I am pleased to be joined in this discussion by two people who have given a great deal of thought to this issue. I am joined by my friend the gentleman from New Mexico (Mr. UDALL) who served as attorney general in New Mexico before coming here to the House of Representatives. And he understands how important it is that we maintain the confidence of citizens in their government and in the process of government. And he understands how we can do that.

I would be pleased to yield to my colleague from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT). And let me first of all say that it is a real pleasure to be here with him this evening and have the opportunity to carry on a debate with him about this important issue. I want to thank the gentleman for his leadership on this.

I had a series of town hall meetings in my district recently. And maybe my colleague could help me with some of the questions that people have. I thought I would just begin with a question and then with a statement, and maybe we can just carry a little bit of a discussion on about this one question.

I have talked to machine manufacturers. I have talked to elected officials that supervise these elections. They tell me we have a lot of touch machines in New Mexico, and they say things to me like, we do not have to worry because we have three levels of redundancy in the computers. We do not have to worry because there is backup in the computers.

And I think my colleague has explained it somewhat in his opening remarks, but I would like to kick that back to him at this point and have my colleague, because I know he has called many of these computer experts over the course of developing this legislation, when they say three levels of redundancy in the computer, is that a level of protection my colleague is satisfied with, and does it, in fact, in this piece of legislation give security to the ballot itself?

Mr. HOLT. Mr. Speaker, reclaiming my time, it does not provide enough security. This past Tuesday, a day ago, I voted in the school board elections in my home district. For the first time our county, Mercer County, New Jersey, used electronic touch screen machines, the so-called DRE, one brand of the DRE machines.

As I expected, they were clear, easy to use, accessible. I think they would be good for people with physical disabilities, better probably than the old lever machines. And they were, as I expected, totally unverifiable. Now, why do I say that? Because the manufacturers will say, oh, we have batteries in there so if the power fails, they will not crash. Of course, there are a lot of computer engineers who promise that their software will not crash. But the manufacturers say, well, we store the votes in two different memory locations so there is redundancy.

With the electronic machines there is no way after the polls close that you can go back and determine what was the intention of each voter because there is this fundamental principle of secrecy. One's ballot must be kept secret. They cannot go back and say, you, Mr. UDALL, voter number 23 today, voted for candidate A in this election and candidate C in that election.

So it is fundamentally different from your ATM machine, your cash machine at the bank or from other electronics that you work with because at the end of the month, with your bank, you have got either your checks or photocopies of your checks, and the bank tells you how much they think you have, and you tell them how much you think you have, and you get together on it.

With a secret ballot one cannot do that. They cannot tell someone how they voted. They cannot know how someone voted. So there is necessarily a gap between the casting of the vote and the recording of the vote. It is fundamental to these machines. One cannot get around it. We cannot build redundancy in there because there is a gap filled with software between the casting of the vote and the recording of the vote.

Mr. UDALL of New Mexico. Mr. Speaker, would the gentleman yield?

Mr. Speaker, I hope that that is very clear to everyone out there. It was very clear to me the way that was explained. And I want to say that the reason we are here today on the floor is because we believe in the improved use of technology. Computerized voting systems will soon become the primary method for voting across the country, and with this new technology comes a potentially serious problem: The fact that these systems will not have a verifiable paper trail of how a citizen actually voted.

Without this component, voters and election officials have no certainty that votes have been properly recorded, because computer voting machines are not currently required to produce a voter-verified paper trail. Any errors or irregularities they cause are difficult or even impossible to discover.

Voters would never know and election officials could never determine whether a faulty machine erroneously recorded the voter's intent. A growing host of nationally and internationally renowned computer scientists consider a voter-verified paper trail to be a critical safeguard for the accuracy, integrity, and security of computer assisted elections.

Thankfully my colleague the gentleman from New Jersey (Mr. HOLT) has introduced H.R. 2239 to address this problem. H.R. 2239 requires the electronic voting systems to provide a mechanism for voter verification of results. H.R. 2239 would require that voters be able to verify the actual paper record after it is printed.

Requiring a voter-verified paper trail is both easily solved and immediately necessary. Localities are making purchasing decisions right now. If Congress acts now, we can ensure that every election is voter-verified and auditable, and localities can move forward with confidence. The technology is there to make this happen.

I am proud to be a cosponsor of H.R. 2239 and hope that this Congress will take action on this legislation immediately. There is broad-based support for voter-verified paper trails. In fact, more than 70 organizations, including Common Cause, the National Organization For Women, the National Federation of Republican Women, as well as the editorial boards of more than 20 newspapers have endorsed voter-verified paper trails.

With a critical election looming, it makes it that much more important that we address this situation now.

Mr. Speaker, I would once again like to thank my colleague, the gentleman from New Jersey (Mr. HOLT), for his leadership on this issue. I look forward to working with him, with the gentleman from North Carolina (Mr. PRICE), with the gentlewoman from Ohio (Ms. KAPTUR) and all the other fine sponsors of this legislation to help ensure and improve the integrity of our electoral process.

Mr. Speaker, I yield back to the gentleman from New Jersey (Mr. HOLT) and thank my friend again.

Mr. HOLT. Mr. Speaker, I thank my colleague for those stirring words that speak to democracy. I cannot emphasize strongly enough what we are talking about here. This is not an exercise in computer science. It is not a game of political gotcha. It is not a partisan matter. It is not antitechnology. It is simply an effort to see that voters believe that they own their government, that they own their vote, that the sanctity of their vote is preserved.

Now, someone who has studied this both theoretically and practically is the gentleman from North Carolina (Mr. PRICE), who has looked at this with the eyes and the mind of a political scientist, but also as someone who has had his share of close elections and

knows what it would mean if we had elections all across the country without the possibility of a recount.

I am pleased to yield to my friend from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his good work on this critical issue.

Like our friend the gentleman from New Mexico (Mr. UDALL), I have been hearing a lot about this from constituents, from town meetings, from people who just understand that it is unthinkable that we should go through another national election with an outcome that is in doubt. And we have put some machinery in place to replace outmoded, inaccurate voting machines. So it would be ironic if some of that machinery turned out to have serious problems of its own.

So I want to commend my colleague for understanding the gravity of this issue and introducing the bill H.R. 2239, which offers a very promising remedy. I am proud to be a cosponsor and join in this Special Order today to talk about this issue.

The bill of the gentleman from New Jersey (Mr. HOLT) would require all electronic voting machines, also known as direct record electronic voting systems, or DREs, would require all the DREs that are used in the upcoming election to produce some kind of verifiable paper trail. This bill would thus create a way for American voters to ensure that their votes are counted accurately.

There are very few things that are more important, I think, to the workings of democracy. You have got to be able to assume the legitimacy of election outcomes. If we do not act quickly on this bill, I am afraid we may face the possibility of having two Presidential elections in a row where the outcomes are contested.

Often we get so caught up in the debate about electronic voting machines that we forget that there are other reliable and verifiable options to these direct record electronic voting systems.

□ 1745

Not all of them are particularly high-tech devices. This may be an area where at least for the present, high tech is not necessarily better. For example, in my district of North Carolina, we use what we call optical scanning systems. You take a piece of paper and take an magic marker and connect arrows on this ballot. You feed the ballot into the machine. The machine reads the vote instantly and produces an outcome at the end of the day instantly, but then there is this paper record if the outcome is contested. In case there is a malfunction, there is a paper record that could be consulted to back up the result.

We may well have these more sophisticated, more complicated direct record electronic voting systems in our future. But the current counting mechanisms on many of these machines are not foolproof, as several elections in this past year have shown.

I wonder if the gentleman from New Jersey (Mr. HOLT), I know he has studied this extensively, if he could elaborate on that a bit. What have been some of the problems that have been pointed out by the studies in terms of perhaps a potential for hacking, perhaps a potential for fraud, the potential for malfunctioning? Just what kinds of problems are we talking about?

Mr. HOLT. These electronic machines are now in fairly common use around the country, and so we are beginning to get a number of stories of questionable behavior or real horror stories. There are cases where it appears that the electronic machines have actually counted backwards as the evening has gone along. There are other cases where, well, in one election recently, ironically in the State of Florida, there was a special election for a State office, several candidates on the ballot in a couple of counties. Some thousands of voters turned out for this single election. There was only one election on the ballot, and 137 voters who showed up, signed in and went into the voting booth evidently did not vote. Their votes were not recorded.

In other elections there are suspicious results where all of the candidates, all of the winning candidates got exactly the same vote total numbering in the thousands. So there are a number of instances where there are questionable results, and the point is you will never know was there something wrong because you cannot go back and audit them. There is no audit. There is no recount possible.

So I am afraid that anytime there is a close election from now on, unless we have this parallel voter-verified audit trail, there will be a cloud hanging over every close election and the loser and the loser's supporters will wonders if they have been cheated out of the election by some sort or error or, at worse, by hacking, by theft, by fraud. And that cloud cannot be dispelled.

Mr. PRICE of North Carolina. No matter whether we are talking about a malfunction intended by no one or something much more mischievous or fraudulent, a system like there where you have no way of checking, no back-up system, simply leads people to suspect the worst. And so it would appear to me that we would want to offer maximum assurance. As I said earlier, to move from these punch card systems which were so inaccurate and so problematic to move to high-tech electronic systems with all these bells and whistles which nonetheless have no basic capability to offer a back-up check, that would not seem to be the way we ought to be moving in election reform. Some of these low-tech alternatives might be better for the present.

Mr. HOLT. Would it not be ironic.

Let me refer to what a couple of States are doing, partly because Congress has been slow to address this problem. My bill has been sitting in committee for a year now. Some States have acted on their own. I have mentioned the studies that were undertaken in California and the Secretary of State of California has decided to act and has declared that in the future the California machines must have a voter-verified paper trail.

In past months, the Secretary of State of Nevada, Dean Heller, announced his decision to buy touch screen voting machines for all of Nevada's counties, and he also announced a mandated paper ballot be created through the use of a voter-verifiable record in all new DRE machines purchased in the State of Nevada in time for the 2004 general election. Said the Secretary of State, ''I did so because the voters of this State overwhelmingly supported the inclusion of a paper trail to protect the integrity of our election.'' Maybe it is time for the voters to let their county officials know how important a voter-verifiable receipt printer is to them.

Now, it would make sense for Federal elections that this be handled on a national level and not count on each county and each State to try to protect the integrity of the system for the voters. As the Secretary of State of New Hampshire wrote, ''People in other States talk about the unbelievable burden of recounts. They do not realize the costs of restoring legitimacy is far greater than the costs of maintaining it.''

He gets it. He understands that we have to have an election system that is recognized as legitimate, that allows recounts, that gives voters confidence. New Hampshire uses paper ballots in 100 percent of its precincts; 55 percent of New Hampshire precincts use an optical scan system where you fill in a circle or a box next to the candidate, and then an optical scanner or machine will count those ballots. But you have the record that the voter has marked herself or himself so that provides a voter-verification paper trail. That is 55 percent of their precincts and 45 percent use paper and nothing else. And New Hampshire's system for a number of years now has been highly successful, in the words of the Secretary of State, and ''successful in promoting voter confidence and reliability.''

In fact, to make the pointed that this is not a partisan matter, should not or need not be a partisan matter, I have here a resolution passed by the New Hampshire State Republican convention in 1988 no less. So it is not only not partisan; it is not all that new. They said, ''Whereas, the State of New Hampshire has computerized voting equipment that does not have the ability to recount manually, does not have the ability to recount at all, uses secrecy of internal procedures as a primary security strategy, does not give the voter the ability to ensure the computer has voted as instructed, now therefore, it be resolved,'' etc., etc.,

''computerized voting equipment must either produce a manually recountable ballot for the voter's inspection prior to electronically casting the voter's ballot or use as its input a ballot which can be used in a manual recount.''

The Republican Party said, we must have a voter-verified paper trail.

I am pleased now that we are joined by our colleague, the gentlewoman from Ohio (Ms. KAPTUR), who has given a great deal of thought and energy to this question. I yield to my colleague.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for his outstanding national leadership for his question of the integrity of our vote and wish to join him in support of H.R. 2239, his measure to instill voter confidence and increased accessibility of 2003 by requiring a voter-verified permanent record or hard copy under title III of the Help America Vote Act that we passed back on October 29, 2002.

The bill does need perfection, and it is to the gentleman from New Jersey's (Mr. HOLT) great credit that over 132 Members of this House already signed on as co-sponsors of this measure.

It is a pleasure to join the gentleman from New Mexico (Mr. UDALL), the gentleman from North Carolina (Mr. PRICE) here this evening, and the gentlewoman from Florida (Ms. CORRINE BROWN) in supporting this measure.

Let me just say that the goals of the original act were to provide funds for new voting equipment and training and that the Election Assistance Commission that was established as a national clearing house for Federal elections was expected to do many things that they have not done to date, simply because they were appointed too late. In fact, a year late. They were not confirmed in their position until December 9 of last year. And the first public meeting of the commission was just about one month ago on March 23. Therefore, when counties in our congressional district looked to the Federal Government for information about secure voting systems, and which electronic voting devices can really be trusted, guess what? There is no advice, because the commission has not completed its work. And in fact as we meet here today, the public comment period on the various State election plans that have been submitted to the Federal Register for comment which will end on May 8 allow for the States to self-certify. Those comments are just given back to the Secretaries of the various States and then Federal money begins to kick in, $2.3 billion for election training, $650 million for equipment; but the point is that there are not Federal standards by which we can judge this equipment. This has never happened before across our Nation.

There are many delays associated with those appointments to the commission, and several deadlines in HAVA have already been missed in that act. I will submit those for the record tonight. It is important to say over two dozen States have requested and granted a waiver for compliance with the HAVA voting equipment requirements until the first election after January 1, 2006.

I would say to many elections officials across this country and across my own State of Ohio who have asked me, go to the act. We can provide this to you. You do not have to buy this equipment this year if you do not believe it is secure. If you do not believe the smart cards are trust worthy, you do not have to buy those machines under the act that we passed here. There are no Federal standards in place yet so you have no guidelines. So why make decisions prematurely?

We want to make sure that that equipment works once you bring it on line, and you have to think about the long-term costs of the maintenance of the electronic equipment. Right now the act does not provide for storage costs at a certain humidity, which many of those electronic systems do require. You have to also think about the training of the booth workers who will be working this year. The training money has not gone out yet. Who will do the training? What kind of training? Will we be sufficiently trained on this new equipment by November or should you use your traditional system that has been in place through this year and then move the HAVA legislation and then the equipment and so forth on board for elections after January 2006?

I just wanted to mention the gentleman from New Jersey's (Mr. HOLT) tremendous work in this area, specifically as regards the paper trails and how you recount from a device that sends its votes into cyberspace.

We currently have several places in the country where elections have been conducted on this equipment and the votes cannot be recounted because the votes are in space. There is no paper record. There is nothing in the machine you can go back to. It only repeats what it did before. There is no paper record. And I totally support your efforts to try to get an auditable, verifiable paper trail. With all of the money we are spending, well over a billion dollars in this country, why can we not get it right the first time and make sure that whatever is necessary to provide that machine with intelligence so we can audit that trail is available? In the State of Ohio, I will end and just say, we have a State requirement that if an election is within one half of 1 percent, we must recount. It is Ohio's statute. We must do this. If we have votes in cyberspace, there is no way that we can accomplish this state-mandated test.

So I want to thank the gentleman for taking on this major effort. And believe me, you have my support in the Committee on Appropriations and in any other way to try to get these machines to function the right way and to get our poll workers the proper training before the election in which any of this equipment is brought on line.

RUSH HOLT has introduced H.R. 2239, the Voter Confidence and Increased Accessibility Act of 2003, to require a voter-verified permanent record or hardcopy under title III of the Help America Vote Act. The bill now has 132 cosponsors. Congressman HOLT will speak more about his bill later.

HAVA was signed into law on October 29, 2002. Its goals were to provide new voting equipment in those communities where it is needed and wanted; to provide training programs for election workers and voter education programs for the public; and to establish an Election Assistance Commission to serve as a national clearinghouse and resource for the administration of Federal elections.

Under the Act, the four Commissioners were to be appointed by February 26, 2003. Their nominations were not even sent to the Senate until October 3, 2003, and they were not confirmed until December 9, 2003. The first public meeting of the Commission was just about 1 month ago, on March 23rd. As we meet here, the public comment period on State Election Plans is underway. At the conclusion of this period, State Election Plans can be self-certified by the States and they will begin to receive more than $2.3 billion for election training and assistance, in addition to the $650 million that has already been put out to the states.

Due to the delays in the appointment of the commission, several deadlines specified in HAVA have already been missed:

Recommendations and voluntary guidance on Section 302 provisional voting requirements (October 1, 2003);

Recommendations and voluntary guidance on Section 303 provisions on computerized statewide voter registration list requirements and mail registration requirements (October 1, 2003);

Human Factors Report to the President and Congress (October 29, 2003);

EAC adopts voluntary guidance recommendations relating to Section 301 Voting Systems Standards Requirements (January 1, 2004);

First Annual EAC report to Congress (January 31, 2004);

A report and recommendations to the President and Congress for facilitating military and overseas voting.

Additionally, 24 states have requested and been granted a waiver for compliance with HAVA voting equipment requirements until the first Federal election after January 1, 2006.

Testing by NIST on voting machines, and its obligation to help develop tough standards for this new equipment, was suspended for 2 months this year because of the lack of federal money. The Commission is thankful that NIST has been able to identify $375,000 to help the Technical Guidance Development Committee get underway. But no recommendations are expected for another 9 months, while the Commissioners themselves recognize that State and local election authorities are looking for federal guidelines to help them develop their own standards.

Over the course of the past year, there have been many concerns raised regarding the security of new voting equipment. Will there be a paper trail that can be used for recounts? Can the summary data stored on the memory components of equipment provide a source for a recount in which voters can have confidence? Expert opinion is divided, and several

states, including Ohio, California, Maryland and others, are looking into adopting state legislation that will build upon HAVA's minimum requirements.

The Commission itself is scheduled to hold a hearing regarding concerns about election equipment and other start-up issues on May 5th. The Technology Subcommittee of the House Government Reform Committee, which had planned to hold a hearing on similar concerns on April 28th, has now delayed their hearing until May 12th.

□ 1800

Mr. HOLT. Mr. Speaker, I thank the gentlewoman and since she speaks about appropriations, it is worth pointing out that the Help America Vote Act, which was passed to bring voting up-to-date and to remove uncertainties, dimpled chads, pregnant chads, hanging chads, butterfly ballots and all that and to provide greater access for people with physical disabilities, to provide greater voting rights for minorities, that bill is a very important step, but it is terribly underfunded. The appropriations have not come close to matching what the authors of that bill said was necessary.

But to the other point that my friend from Ohio raised where in Ohio if an election is very close there must be a recount, let me speak from personal experience.

A few years ago, I was involved in a close election. My opponent asked for a recount. In one of the five counties in my District, there were then in use electronic voting machines. No surprise, several weeks after the election, when the judge asked for a recount, those machines gave exactly the same numbers that they gave 5 minutes after the polls closed. They call that a recount but it is meaningless. If there was an error, if the voter's intention was not properly recorded, no one will ever know. Each time you interrogate the computer, it will give you the same answer. I do not call that a recount because you are not testing against the voters' intentions.

Let me quickly just read a few comments from the press around the country. The New York Times: ''Even a cursory look at the behavior of the major voting machine companies reveals systematic flouting of the rules. Software was modified without government oversight; machine components were replaced without being rechecked. And here's the crucial point: even if there are strong reasons to suspect that electronic machines miscounted votes, nothing can be done about it. There is no paper trail; there is nothing to recount.''

Anchorage, Alaska: ''Alaska law,'' and by extension the Federal law, ''should require electronic voting machines to produce a paper record of each vote.''

Bangor, Maine: ''Paperless voting machines and those that transmit results over the Internet are vulnerable to glitches and manipulation by hackers. Yet election officials in many States are tempted by a slick technology.''

Asbury Park Press: ''There's no good reason for Congress to delay mandating that electronic machines produce paper records.''

Los Angeles Times: They say, ''Machines, too, can lie.''

Boston Globe: ''It's the computers' turn to mess up elections.''

Newsday says, ''Elections flawed.''

Palm Beach Post, Orlando Sentinel: ''The electronic voting machines are better than dimpled chads but need back-up.''

Eugene, Oregon, The Register-Guard: ''Voters need a record.''

Sarasota Herald Tribune: ''A paper trail would increase faith in elections.''

I could go on. In newspaper after newspaper, in town meeting after town meeting, in letter after letter sent to probably every Member of this House of Representatives, the public is calling for a voter verified paper trail because, I am pleased to say, the American public cares about their votes. They believe their votes are sacred and we should preserve that sanctity.

Someone who can speak with authority about this, about the importance of the franchise, how important it is that we extend the vote to all eligible voters and we make it as easy as possible for them to vote thoughtfully and that we ensure the integrity of those votes is the gentlewoman from the great State of Florida (Ms. CORRINE BROWN), which, I am sorry to say, the State has become the poster child of voting irregularities, but that is just because the vote was close in Florida. If it had been close in other States, we would have found voting irregularities in other States, too.

We have to do everything we can in every State to restore the sanctity of the vote, the integrity of the vote, the reliability of the vote, and with that, I would be pleased to yield to my friend, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, I want to thank the gentleman for holding this meeting today to discuss the elections and how we are going to ensure that we have a fair election in 2004 and how we are going to make sure that people in America get a chance to vote but also that their votes will count, but I do have to correct my colleague on just one thing because Florida is not just known in the country, it is known throughout the world, because of this last election.

I just returned from Eastern Europe and I tell you, anytime I mentioned that I am from Florida, there is a sympathy in the look that I receive because they wonder how in the world that South Africa could get it right and we could not get it right in the great State of Florida.

The correction I want to make is that the election in Florida was not close. It was not close at all. Statewide, over 150,000 votes were thrown out, but I want to talk to you about what was very up close and personal for me in that in my District, in the 3rd Congressional District of Florida, in Duval County alone, in precinct 7, 8, 9 and 10, over 27,000 votes were thrown out, 27,000.

I have here on my right the gentleman from North Carolina (Mr. PRICE) who came to Duval County at a hearing where all the problems that Florida experienced was discussed and the depth of the seriousness of throwing out 27,000 votes. Why were they thrown out? Because they had old machines, and the machines, when you vote, they just spit the ballot out, and we never counted them. To this day, 27,000 ballots were not counted.

The sad part about it is that the supervisor of elections did not inform us. By law, you can ask for a recount in 48 hours. They did not even tell us until at least four days after the election that they had thrown them out. By the way, I was watching television. The supervisor of elections came on television, and the reporters were asking him how many votes were thrown out in Duval County. He said, oh, 27,000. I mean, 27,000. So we have to make sure that that never happens again nowhere in the United States.

When I travel around the world and I go to places like Haiti, they did not have 27,000 votes thrown out. When I go to Africa and monitor their elections, I mean if we are going to be the voice of freedom, it starts with the election.

Let me just say that I supported the initiative on the Help America Vote Act that was passed back in 2002, and I thought it was particularly important that the law provides money to help States replace and update their old and outdated voting machines. Now we can see why this is so important because of what happened in Florida, just during the last primary.

During the primary even though voter turnout was light, serious problems occurred. For example, voters were incorrectly given computer cards that let them vote only on local issues and not on the issue that they came to vote for, the presidential primary. So the fact is that in many counties, the machines did not work, and even the experts, the computer scientists, warned that votes and entire elections, in fact, could be stolen by rigging the codes that run the machines, and the only defense against this is a paper trail, in every vote count, so that a paper ballot could be counted if the machines tallies are brought into question.

To me, after what happened in 2000, I think of all places, Florida definitely needs a paper trail. We need a paper trail. Nothing has changed in Florida. We still have the same governor. Jeb Bush is the governor of Florida, and we still have a system in place where the governor paid a firm out of Texas $4 million to verify felons. Well, it did not matter whether you were a felon or not. If your name was James Brown or

CORRINE BROWN, we just took all of the similar names out of the system, and you were not even notified so that you could correct it before the election.

So when you went to the supervisor of elections office, where you have been going for the past 30 years, you were told that you could not vote because you were a felon and you had no recourse. We had nothing in place that you could cast your ballot and later we could rectify it, and so all of those people, thousands, was turned away on election day.

About three weeks later, they got a letter from the supervisor of their elections saying, whoops, we made a mistake, and we in this Congress and we in this country are still suffering from that mistake, and we have to be committed that what happened in the 2000 election will never happen again in this country. We have to make sure that we put the credibility back for the American people and for the world because the world looks at us as a beacon of light, of hope, and yet they wonder why we cannot get it right in the United States. Maybe the reason why we cannot get it right is because we do not want to get it right.

I enjoy a good campaign, but the end result is we have got to make sure that when the American people go to the polls in November that they can vote, that their vote will count and there is verification of the vote.

I thank the gentleman very much for having this opportunity to talk to the American people about a system that is still broke, and if we do not put the money, the oversight and the security into the system, then shame on us.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for those remarks.

Let me again quote from Anthony Stevens, the Assistant Secretary of State of New Hampshire: The cost of restoring legitimacy is far greater than the cost of maintaining it. When there is an error in the election or when there is uncertainty that there might be an error in the election, it hurts democracy. The winner is compromised; the loser is compromised. Democracy is compromised.

So the fact that there is so much uncertainty about what happened in Florida three-and-a-half years ago is certainly no cause for celebration by the Republicans that they won because there is a cloud hanging over our democracy, and it cannot be resolved.

The HAVA Act, the Help America Vote Act, does take care of some of the problems that my colleague from Florida raised. A voter now can demand a provisional ballot. If when you show up at the polls you are told, well, we cannot find your name on the registration list, you can vote provisionally. You must be allowed to vote provisionally under the Help America Vote Act.

□ 1815

And then later they will determine whether that ballot is good. They will not turn you away.

It also increases accessibility, it increases compliance with the Americans With Disabilities Act, it strengthens the Voting Rights Act of 1965, it provides for a centralized database in each State of registered voters, and it helps replace the old machines.

Ms. CORRINE BROWN of Florida. Mr. Speaker, if the gentleman will yield for just one second, he is absolutely right, the provisional ballot is in place. But to this point you have no assurance that they are going to count it.

Mr. HOLT. That is right.

Ms. CORRINE BROWN of Florida. So that is a major problem.

Mr. HOLT. Mr. Speaker, there is one more point I want to make quickly before I yield to the gentleman from North Carolina.

Ms. CORRINE BROWN of Florida. If the gentleman will allow me one other quick comment.

Mr. HOLT. Certainly I will continue to yield to the gentlewoman.

Ms. CORRINE BROWN of Florida. The other thing is that the handicapped citizens sued Duvall County pertaining to access to the election, making sure that they have an opportunity to vote in private, and they won. So I want to submit this for the RECORD for the membership to review.

[From the New York Times, Mar. 14, 2004]

FLORIDA AS THE NEXT FLORIDA

As Floridians went to the polls last Tuesday, Glenda Hood, Katherine Harris's successor as secretary of state, assured the nation that Florida's voting system would not break down this year the way it did in 2000. Florida now has ''the very best'' technology available, she declared on CNN. ''And I do feel that it's a great disservice to create the feeling that there's a problem when there is not.'' Hours later, results in Bay County showed that with more than 60 percent of precincts reporting, Richard Gephardt, who long before had pulled out of the presidential race, was beating John Kerry by two to one. ''I'm devastated,'' the county's top election official said, promising a recount of his county's 19,000 votes.

Four years after Florida made a mockery of American elections, there is every reason to believe it could happen again. This time, the problems will most likely be with the electronic voting that has replaced chad-producing punch cards. Some counties, including Bay County, use paper ballots that are fed into an optical scanner, so a recount is possible if there are questions. But 15 Florida counties, including Palm Beach, home of the infamous ''butterfly ballot,'' have adopted touch-screen machines that do not produce a paper record. If anything goes wrong in these counties in November, we will be in bad shape.

Florida's official line is that its machines are so carefully tested, nothing can go wrong. But things already have gone wrong. In a January election in Palm Beach and Broward Counties, the victory margin was 12 votes, but the machines recorded more than 130 blank ballots. It is simply not believable that 130 people showed up to cast a nonvote, in an election with only one race on the ballot. The runner-up wanted a recount, but since the machines do not produce a paper record, there was nothing to recount.

In 2002, in the primary race for governor between Janet Reno and Bill McBride, electronic voting problems were so widespread they cast doubt on the outcome. Many Miami-Dade County votes were not counted on election night because machines were shut down improperly. One precinct with over 1,000 eligible voters recorded no votes, despite a 33 percent turnout statewide. Election workers spent days hunting for lost votes, while Floridians waited, in an uncomfortable replay of 2000, to see whether Mr. McBride's victory margin, which had dwindled to less than 10,000, would hold up.

This past Tuesday, even though turnout was minimal, there were problems. Voters were wrongly given computer cards that let them vote only on local issues, not in the presidential primary. Machines did not work. And there were, no doubt, other mishaps that did not come to light because of the stunning lack of transparency around voting in the state. When a Times editorial writer dropped in on one Palm Beach precinct where there were reports of malfunctioning machines, county officials called the police to remove him.

The biggest danger of electronic voting, however, cannot be seen from the outside. Computer scientists warn that votes, and whole elections, can be stolen by rigging the code that runs the machines. The only defense is a paper record of every vote cast, a ''voter-verified paper trail,'' which can be counted if the machines' tallies are suspect. Given its history, Florida should be a leader in requiring paper trails. But election officials, including Theresa LePore, the Palm Beach County elections supervisor who was responsible for the butterfly ballot, have refused to put them in place.

Last week, Representative Robert Wexler, a Florida Democrat, filed a federal lawsuit to require paper trails. He relies on the Supreme Court's holding in Bush v. Gore that equal protection requires states to use comparable recount methods from county to country. Florida law currently requires a hand recount in close races. That is possible in most counties, but the 15 that use electronic voting machines do not produce paper records that can be recounted. Under the logic of Bush v. Gore, Representative Wexler is right.

After the 2000 mess, Americans were assured they would not have to live through such a flawed election again. But Florida has put in place a system, electronic voting without a paper trail, that threatens once more to produce an outcome that cannot be trusted. There is still time before the November vote to put printers in place in the 15 Florida counties that use touch screens. As we learned four years ago, once the election has been held on bad equipment, it is too late to make it right.

[From the Florida Times-Union, Apr. 20, 2004]

JUDGE STAYS OWN ORDER ON VOTING MACHINES

(By Paul Pinkham)

Duval County may not have to buy handicap-accessible voting machines for the August primaries after a Federal judge's ''Reluctant'' stay of his own order so the county can appeal.

Lawyers for blind and manually disabled voters said they will ask the 11th U.S. Circuit Court of Appeals in Atlanta this week to expedite the appeal. But even if they are successful, City Hall attorneys said, little time will be left to implement Senior U.S. District Judge Wayne Alley's order that optical scan voting machines with audio ballots be placed in 57 of the county's 285 precincts for the Aug. 31 primary elections.

''It'd be virtually impossible,'' Assistant General Counsel Scott Makar said, ''Right now, we have four months to implement the judge's order. What could we do in two months?''

Last month, Alley found Duval County Supervisor of Elections John Stafford in violation of the Americans With Disabilities Act because visually and manually disabled people are unable to vote without assistance on the county's optical scan voting machines. But late Friday, he granted Stafford's request for a stay pending appeal, an unusual step for a trial judge.

The judge said he was doing so reluctantly because he doubts the county will prevail on appeal. But he said if the county did happen to win on appeal, without a stay money already would have been spent on new voting equipment. Estimates range from $275,000 into the millions.

''Clearly the citizens of Duval County would be greatly impacted to the potential expenditure of monies to purchase voting machines that might be rendered useless in the event . . . Stafford prevails on appeal,'' Alley wrote. ''Although the court feels there is a public interest in preserving the rights of all citizens, including plaintiffs, the more pointed public interest in this case is fiscal, blue-lighted bridges notwithstanding.''

The bridges comment referred to evidence presented at trial about money Jacksonville spent putting decorative blue lighting on the Acosta bridge.

Despite the stay, Alley said he was ''puzzled'' at the city's aggressive defense of the case.

''Plaintiffs are citizens whose rights are entitled to protection,'' he said. But he noted that, though the voting ''method in place is not the preferred one . . . their substantive right to vote will not be abrogated.''

Douglas Baldridge, attorney for the American Association of People with Disabilities in Washington, said he has asked city attorneys to join him in asking the 11th Circuit for an expedited appeal to resolve the case.

''My hope is that they just don't have a desire to run out the clock on disabled citizens,'' Baldridge said.

Makar said city attorneys are considering Baldridge's request but are looking more toward 2006, when the federal Help America Vote Act takes effect, requiring all U.S. counties to have the necessary equipment to allow disabled people to vote independently.

[From the Florida Times-Union, Mar. 30, 2004]

JUDGE SMUDGES DUVAL VOTING

(By Paul Pinkham)

Duval County election officials are violating the Americans With Disabilities Act and must buy 60 new voting machines accessible to blind voters in time for the August primaries, a federal judge has ordered.

The machines also must be usable by manually disabled voters and placed in 20 percent of the county's 295 voting precincts under a court-approved plan according to population density and the availability of transportation, Senior U.S. District Judge Wayne Alley wrote.

While Alley's ruling isn't binding on other jurisdictions, the case was the first of its kind in the nation to go to trial and will have far-reaching implications for the rights of disabled voters to cast their ballots independently.

''It is truly a landmark decision,'' said Doug Baldridge, attorney for the American Association of People With Disabilities in Washington. ''There is now a well-respected judge making a well-reasoned decision. . . . That's powerful.''

City Hall attorneys were caught off guard by the order, which they received Monday morning. Though they anticipated an adverse decision based on Alley's previous comments, they expected the judge to wait until the May 14 deadline he set for the state to certify handicap-accessible touchscreen machines made by the vendor the city does business with, Assistant General Counsel Scott Makar said.

They haven't decided whether to appeal.

''We really want to get a fuller reading of the judge's order and its impact,'' Makar said. ''The remedy is not going to be known until after May 14th.''

If the state certifies Diebold Election Systems' touchscreen machines with audio balloting, cost of installing them according to Alley's order would be about $180,000, not including training and software considerations, Makar said. Diebold and the Secretary of State's Office are working toward certifying the machines for use in Florida elections.

But if the state doesn't certify Diebold's machines, or if those machines don't allow a manually impaired voter to vote independently with a mouth stick, Alley said he will require the city to buy similar units elsewhere. The cost of integrating a new system could run in the millions, Makar said. Alley ordered Supervisor of Elections John Stafford to keep the court apprised of the status of Diebold's certification efforts.

The judge also gave Stafford until April 12 to submit a plan for distributing the machines in precincts around Duval County. The plaintiffs will have an opportunity to comment on the plan, Alley ordered.

Visually and manually disabled voters sued Stafford in 2001 after he bought optical scan balloting equipment from Diebold instead of touch screens with audio balloting. Alley, a visiting judge from Oklahoma, heard two weeks of testimony in September and indicated in January he planned to rule in favor the plaintiffs.

''At the time the city purchased the optical scan system, it was technologically and financially feasible to employ a voting system readily accessible to visually impaired voters,'' he said in his order.

Makar said Stafford ''has taken painstaking efforts'' to meet the rights of disabled voters and has been working toward mandatory compliance with the federal Help America Vote Act. That law requires all U.S. counties to have voting systems in place by 2006 that allow disabled people to vote without assistance.

''Buying the equipment now is basically like buying an 8-track when the DVDs are coming off the presses any time now,'' Makar said.

But Baldridge said Alley's decision is legally sound, and disabled voters shouldn't have to wait two more years.

''Obviously it'd be great to have [audio balloting in] every precinct, but we were there to make sure that the violation was proven and to get some relief for these disabled citizens,'' Baldridge said. ''It's an absolute victory.''

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, before our colleague from Florida leaves, I do want to make one note.

Mr. HOLT. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. What the gentlewoman from Florida said about this purging of supposed felons, these purges were exempted from protection under the National Voter Registration Act. So many districts purged, as I understand, their voting roll before the election without notifying the people who were purged.

Ms. CORRINE BROWN of Florida. That is right.

Mr. PRICE of North Carolina. So the problem is that thousands of Floridians were purged who had no felony convictions. They were unjustly denied their right to vote. Just think about how frustrating and disillusioning it would be to show up at the polling station and be told you could not vote when you have nothing to compromise your eligibility.

So I want to inform my colleagues that I will be introducing a bill next week that will deal specifically with this problem. And I appreciate my colleague underscoring this unsolved problem from the Florida debacle.

My bill would ensure that no American is ever denied the right to vote in a future election because he or she is mistakenly labeled as having committed a felony. It would require States to send that notification that our colleague says was never sent, send that notification no later than 30 days prior to an election, informing people convicted of a felony that they have been removed from the voter list and explaining the reasons why. And then the person who is notified can respond. This would let them know about their rights to appeal the decision. It would require the State rule on the appeal. And if the appeal is still pending at the time of election, my bill would say they can cast a provisional ballot.

That is legislation that I believe would fill a remaining problem from the Florida experience.

Ms. CORRINE BROWN of Florida. And, Mr. Speaker, if the gentleman from New Jersey will continue to yield for just 30 seconds.

Mr. HOLT. I yield to the gentlewoman from Florida, Mr. Speaker.

Ms. CORRINE BROWN of Florida. Let me just mention that there are only five States now that will not allow ex-felons to vote. And that is a bigger issue. Because once someone pays their dues and serves their time, you want them to be productive citizens. And part of being a productive citizen is participating in the voting process. So that is something that we need to take a look at.

This is something that has been held over from the old Jim Crow days.

Mr. PRICE of North Carolina. That is a larger issue. My bill would simply deal with these purges and the fact that there often have been mistaken purges. It would give people who were purged the chance to respond.

I again want to commend the gentleman from New Jersey (Mr. HOLT) and all the others today for being part of this. We need to take these next steps in election reform. We have gotten rid of the unregulated soft money, and we have made certain that candidates are going to have to stand up and take responsibility for the content of their ads. We have made some headway. But this legislation that the gentleman from New Jersey (Mr. HOLT) has introduced in addition to the bill I have just described I believe would take us several steps further to restoring faith in our democracy, and I look forward to working with my colleagues on this.

Mr. HOLT. Mr. Speaker, I look forward to working with the gentleman from North Carolina also.

Each of these pieces of legislation deals with one aspect of the problem. One of the lessons of the election of 2000 was that many millions of Americans learned how complicated the voting question is. But we certainly can take care of these two matters in a straightforward way.

Again, my legislation would require that all voting systems produce a voter-verified paper record for use in manual audits. It would ban the use of undisclosed software. It would require that all voting systems meet these requirements, a voter verification, in time for their November 2004 election, this year. It requires that electronic voting systems be provided for persons with disabilities earlier than under the Help America Vote Act, and it would require mandatory surprise recounts in one-half of 1 percent of all jurisdictions.

I think that would go a long way. Now, some of my colleagues here on the floor say, oh, that is not necessary, let us let HAVA work. I tell you one way we can let HAVA work. Each State has submitted to the Election Assistance Commission a plan of how it will comply with HAVA. That has been published in the Federal Register. Public comments on those State plans are due by May 8, and members of the public are invited to comment to the Election Assistance Commission.

That is one way that the process will work. Because ultimately it is the public, not the 435 of us here, who own this democracy and who ultimately must ensure that it works as it should.

RECESS

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

Accordingly (at 6 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1903

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 7 o'clock and 3 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. MARIO DIAZ-BALART of Florida from the Committee on Rules, submitted a privileged report (Rept. No. 108–466) on the resolution (H. Res. 602) providing for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KINGSTON (at the request of Mr. DELAY) for today on account of attending the funeral of a dear friend.

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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

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

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

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

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

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

Mr. MORAN of Kansas, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Resources; in addition to the Committee on Agriculture and 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.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1274. An act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

ADJOURNMENT

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 22, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7623. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Support the Tribal Pesticide Program Council (TPPC); Notice of Funds Availability [OPP–2003–0399; FRL–7349–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Boscalid; Pesticide Tolerance [OPP–2004–0075; FRL–7353–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7625. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–15, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7626. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03–08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7627. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard Challenge Program Annual Report for Fiscal Year 2004, required under section 509(k) of title 32, United States Code; to the Committee on Armed Services.

7628. A letter from the Acting Under Secretary, Department of Defense, transmitting a report required by section 335 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) regarding the implementation of the revised Office of Management and Budget (OMB) Circular A–76, Performance of Commercial Activities; jointly to the Committees on Armed Services and Government Reform.

7629. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting the Department's report that covers two areas involving the Armed Services' aviation programs for FY 2003, pursuant to 37 U.S.C. 301a(f) and (b); to the Committee on Armed Services.

7630. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Colonel David M. Snyder, United States Air Force, to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7631. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities for Fiscal Year2003, pursuant to Public Law 104–201, section 827 Public Law 105–261, section 812; to the Committee on Armed Services.

7632. A letter from the Chairman, Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting the 2003 Annual Report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7633. A letter from the Chairman, National Endowment for the Arts, National Foundation on the Arts & the Humanities, transmitting the Federal Council on the Arts and the Humanities' twenty-eigth annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2003, pursuant to 20 U.S.C. 959(c); to the Committee on Education and the Workforce.

7634. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the National Telecommunications and Information Administration's (NTIA) assessment of the major actions that must be completed in the allocation of the spectrum to the civilian sector for the effective deployment of third generation (3G) wireless devices in the United States, pursuant to Public Law 108–119 (118 Stat. 3); to the Committee on Energy and Commerce.

7635. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's vehicle fleet report on alternative fueled vehicles for FY 2003, submitted in accordance with the Energy Conservation and Reauthorization Act (ECRA), and Executive Order 13149, Greening the Government through Federal Fleet and Transportation Efficicency; to the Committee on Energy and Commerce.

7636. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability [OPPT–2003–0072; FRL–7342–6] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7637. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL–7645–6] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7638. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters [OAR–2002–0058; FRL–7633–9] (RIN: 2060–AG69) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7639. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina [NC–112L–2004–1–FRL–7646–2] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7640. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations [DC052–7007, MD143–3102, VA129–5065; FRL–7645–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7641. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

7642. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of2002 (Public Law 107–243); (H. Doc. No. 108–180); to the Committee on International Relations and ordered to be printed.

7643. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a report describing, to the extent practicable, any involvement of a foreign military or defense ministry civilian that have participated in the International Military Education and Training (IMET) program, and have been identified in the Country Reports on Human Rights Practices for 2003 as violating internationally recognized human rights subsequent to such training; to the Committee on International Relations.

7644. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States Macau Policy Act, covering the period from April 1, 2003, to March 31, 2004, pursuant to Public Law 106–570, section 204; to the Committee on International Relations.

7645. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's quarterly financial statement, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

7646. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7647. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7648. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7649. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7650. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7651. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7652. A letter from the Acting Secretary, Department of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2003, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7653. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7654. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7655. A letter from the Associate Attorney General, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for 2003, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

7656. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report that fulfills the reporting requirements set forth in the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Government Reform.

7657. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7658. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Performance Program Report for Fiscal Year 2003, in accordance with the requirements of the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

7659. A letter from the Associate Special Counsel for Investigation and Prosecution, Office of Special Counsel, transmitting the Office's FY 2003 Annual Report Pursuant to the No Fear Act, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

7660. A letter from the Executive Director, United States Access Board, transmitting a report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Government Reform.

7661. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 031104274–4011–02; I.D. 101603A] (RIN: 0648–AQ83) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7662. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule to Maintain an Area Access Program for the Atlantic Sea Scallop Fishery in Hudson Canyon [Docket No. 040130031–4070–02; I.D. 021704D] (RIN: 0648–AR92) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7663. A letter from the Deputy Assistant Administrator for Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2004 Specifications [Docket No 031119283–4001–02; I.D. 110703A] (RIN: 0648–AQ80) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7664. 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 Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281–0369–02; I.D. 022604B] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7665. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Gulf of Mexico; Coastal Migratory Pelagic Resources; Stock Status Determination Criteria [Docket No. 030917233–3304–02; I.D. 082703A] (RIN: 0648–AP50) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7666. 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 Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 030504A] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7667. 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 620 of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 031904A] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7668. 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/Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 032404E] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7669. 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; Atka Mackeral in the Central Aleutian District [Docket No. 031124287–4060–02; I.D. 032404F] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7670. 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 Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 032504A] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7671. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives [Docket No. 000922272–4087–02; I.D. 061600A] (RIN: 0648–AO16) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7672. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Pelagic Longline Fishing Restrictions; Seasonal Area Closure, Limit on Swordfish Fishing Effort, Gear Restrictions, and Other Sea Turtle Take Mitigation Measures [Docket No. 0401130013–4098–02; I.D. 122403A] (RIN: 0648–AR84) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7673. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery [Docket No. 031126296–4100–02; I.D. 111903B] (RIN: 0648–AQ84) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7674. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations [Docket No. 031202301–4067–02; I.D. 111403C] (RIN: 0648–AR53) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7675. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Monkfish Fishery [Docket No. 040212056–4101–02; I.D. 020604B] (RIN: 0648–AR89) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7676. 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; Rock Sole in the Bering Sea and Aleutian Islands [Docket No. 031124287–4060–02; I.D. 032904B] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7677. 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 Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281–00369–02; I.D. 040704B] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7678. 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 Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 033104A] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7679. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2003, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

7680. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2003, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

7681. A letter from the Chairman, United States Commission on Civil Rights, transmitting the Commission's report entitled, ''A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,'' pursuant to 42 U.S.C. 1975a(c); to the Committee on the Judiciary.

7682. A letter from the Deputy Clerk, United States Court of Appeals for the Tenth Circuit, transmitting an opinion of the United States Court of Appeals for the Tenth Circuit (Nos. 03–8037, 03–8042, and 03–8043—United States v. Blanchard Buck Cannon (April 5, 2004)); to the Committee on the Judiciary.

7683. A letter from the Administration, FAA, Department of Transportation, transmitting the Capital Investment Plan (CIP) for fiscal years 2005–2009, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

7684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Mississippi Canyon 474 [CGD08–03–039] (RIN: 1625–AA79) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7685. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Garden Banks 783 [CGD08–03–040] (RIN: 1625–AA79) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7686. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Belle River, Belle River, LA [CGD08–03–049] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7687. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Mantua Creek, NJ [CGD05–03–121] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7688. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Royal Park (SR 704) Bridge, Atlantic Intracoastal Waterway mile 1022.6, Palm Beach, FL [CGD07–04–039] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7689. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Manasquan River, NJ [CGD05–04–071] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01–04–023] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7691. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Kent Island Narrows, MD [CGD05–04–070] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7692. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Savannah River, Savannah GA [CGD07–03–147] (RIN: 1625–AA11) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Altantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries [CGD05–04–066] (RIN: 1625–AA00) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Electrical Equipment and Installations, Storage Battery Installation; Electronic Equipment; and Fire Protection of Electrical System Components on Transport Category Airplanes [Docket No. FAA–2001–9634, FAA–2001–9633, FAA–2001–9638, FAA–2001–9637; Amendment No. 25–113] (RIN: 2120–AI21) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers [Docket No.: FAA–2002–13918; Amendment No. 158–2] (RIN: 2120–AH43) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Security Control of Air Traffic (RIN: 2120–AI11) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Medical Equipment [Docket No. FAA–2000–7119; Amdt. Nos. 121–280 and 135–78] (RIN: 2120–AG89) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Procedures for Transportation workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting; Correction [Docket No. OST–2002–13435] (RIN: 2105–AD35) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marysville, KS. [Docket No. FAA–2003–16762; Airspace Docket No. 03–ACE–99] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Independence, IA. [Docket No. FAA–2003–16746; Airspace Docket No. 03–ACE–90] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Colby, KS. [Docket No. FAA–2003–16760; Airspace Docket No. 03–ACE–97] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hamilton, MT. [Docket No. FAA 2003–16070; Airspace Docket No. 03–ANM–05] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Altus AFB, OK [Docket No. FAA–2003–15248; Airspace Docket No. 2003–ASW–3] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Anthony, KS. [Docket No. FAA–2003–16748; Airspace Docket No. 03–ACE–92] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Plattsmouth, NE. [Docket No. FAA–2003–16408; Airspace Docket No. 03–ACE–76] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Beloit, KS. [Docket No. FAA–2003–16749; Airspace Docket No. 03–ACE–93] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hays, KS. [Docket No. FAA–2004–16989; Airspace Docket No. 04–ACE–7] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Chanute, KS. [Docket No. FAA–2003–16757; Airspace Docket No. 03–ACE–95] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Excelsior Springs, MO. [Docket No. FAA–2004–17147; Airspace Docket No. 04–ACE–13] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Administrator, FAA, Department of Transportation, transmitting the Administration's report as required by Section 404(e) of the FAA Reauthorization Act of 1996 (HR 3539); to the Committee on Transportation and Infrastructure.

7711. A letter from the Secretary, Judicial Conference of the United States, transmitting a report on the judiciary's courthouse construction requirements for FY 2005 along with the out-year requirements for FY 2006–2009, pursuant to 28 U.S.C. 604(a)(12) and 462(b); to the Committee on Transportation and Infrastructure.

7712. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering those cases in which equitable relief was granted in calendar year 2003, pursuant to 38 U.S.C. 503(c); to the Committee on Veterans' Affairs.

7713. A letter from the Secretary, Department of Labor, transmitting the Department's tenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 2001 to 2002, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

7714. A letter from the Chair, National Oceanographic Partnership Program, transmitting the March 2004 Annual Report, pursuant to Public Law 104–201; jointly to the Committees on Armed Services, Resources, and Science.

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. HASTINGS of Washington: Committee on Rules. House Resolution 602. Resolution providing for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes (Rept. 108–466). 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. JONES of North Carolina:

H.R. 4180. A bill to amend title 10, United States Code, to provide reimbursement for members of the Armed Forces retired for a combat-related disability for travel to military treatment facilities for medical care during the first two years after such retirement; to the Committee on Armed Services.

By Mr. GERLACH (for himself, Mr. WELLER, Mr. HASTINGS of Washington, Mr. GREENWOOD, Mr. VITTER, Mr. SIMMONS, Mr. CANTOR, Mr. HENSARLING, Mr. SHIMKUS, Mr. TOOMEY, Mrs. MILLER of Michigan, Mr. DOOLITTLE, Mr. COX, Mrs. KELLY, Mr. MURPHY, Mr. BARTLETT of Maryland, Mr. SHUSTER, Mr. CRENSHAW, Mr. ROHRABACHER, Mr. BURR, Mr. FORBES, Mr. KELLER, Mr. GILLMOR, Mr. SCHROCK, Mr. HAYWORTH, Mr. HERGER, Mr. MCINNIS, Ms. DUNN, Mr. ROGERS of Alabama, Mr. RYUN of

Kansas, Mr. BRADY of Texas, Mr. HAYES, Mr. BALLENGER, Mr. SOUDER, Mr. SMITH of Texas, Mr. GIBBONS, Mr. ISTOOK, Mr. OTTER, Mrs. JOHNSON of Connecticut, Mr. WICKER, Mr. SHAW, Mr. CRANE, Mr. GRAVES, Mr. WILSON of South Carolina, Ms. PRYCE of Ohio, Mr. TIBERI, Mrs. JO ANN DAVIS of Virginia, Mr. BARRETT of South Carolina, Mr. ENGLISH, Mr. PICKERING, Mr. CHOCOLA, Mr. PORTER, Mr. HALL, Mr. TERRY, Mr. REHBERG, and Mr. SWEENEY):

H.R. 4181. A bill to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. GREENWOOD, Ms. WOOLSEY, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. DEFAZIO, Mr. MCNULTY, Mr. TOWNS, Mr. OWENS, Mr. BROWN of Ohio, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. HINCHEY, Mr. FROST, Mr. CASE, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. STARK, Ms. CARSON of Indiana, Mr. HOEFFEL, Mr. LANTOS, Mr. MORAN of Virginia, Mrs. LOWEY, Mrs. CAPPS, Ms. SLAUGHTER, Ms. BALDWIN, Mr. KUCINICH, Mr. WAXMAN, Mr. SERRANO, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. FARR, Mr. CLYBURN, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Ms. WATSON, Mr. ROTHMAN, Ms. MAJETTE, Mrs. TAUSCHER, Mr. SANDERS, Ms. MCCOLLUM, Ms. HARMAN, Mr. CUMMINGS, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. CROWLEY, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. HOLT, Mr. WEINER, Mr. RANGEL, Ms. LOFGREN, Ms. SOLIS, Mr. FORD, Ms. KILPATRICK, Mr. WATT, Mr. PAYNE, Mrs. NAPOLITANO, Ms. ESHOO, Mr. SCHIFF, Mr. GONZALEZ, Mr. BALLANCE, Mr. RUSH, and Mr. MEEK of Florida):

H.R. 4182. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COOPER:

H.R. 4183. A bill Making further emergency supplemental appropriations for fiscal year 2004 for military operations in Iraq and Afghanistan; to the Committee on Appropriations.

By Mr. CUMMINGS (for himself and Ms. CORRINE BROWN of Florida):

H.R. 4184. A bill to require United States assistance for the repair, maintenance, or construction of the transportation infrastructure of Iraq to be provided in the form of loans subject to repayment in full to the United States Government; to the Committee on International Relations.

By Mr. DREIER:

H.R. 4185. A bill to improve the coordination of the Federal Government in identifying and responding to weak or failing countries that endanger international security or stability, to improve the coordination and conduct of pre-conflict stabilization operations and post-conflict reconstruction operations, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. MATSUI, Mr. MCINNIS, Mr. HERGER, Mr. ENGLISH, Mr. BOEHNER, and Mr. CHABOT):

H.R. 4186. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. BRADY of Texas, Mr. JONES of North Carolina, Mr. AKIN, Mr. HERGER, Mr. BURTON of Indiana, Mr. PITTS, Mr. FRANKS of Arizona, Mr. COLE, Mr. CAMP, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. NORWOOD, Mr. SHADEGG, Mr. SMITH of Texas, Mr. WELDON of Florida, Mr. LINDER, Mr. WILSON of South Carolina, Mr. UPTON, Mr. PAUL, Mr. GIBBONS, Ms. HARRIS, Mr. BASS, Mrs. MILLER of Michigan, Mr. PEARCE, Mrs. MYRICK, and Mrs. CUBIN):

H.R. 4187. A bill to amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, and for other purposes; to the Committee on House Administration.

By Mr. LOBIONDO (for himself and Mr. MCINTYRE):

H.R. 4188. A bill to amend chapter 1606 of title 10, United States Code, to increase the amount of basic educational assistance for members of the Selected Reserve, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma:

H.R. 4189. A bill to modify and improve the funding structure of the Environmental Quality Incentives Program; to the Committee on Agriculture.

By Mr. MARKEY:

H.R. 4190. A bill to require the Secretary of Labor to declare that operating power driven amusement park rides is a hazardous occupation for the purposes of certain child labor provisions of the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H.R. 4191. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a network of pediatric centers in certain developing countries to provide treatment and care for children with HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, Mr. GREENWOOD, Mrs. JOHNSON of Connecticut, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDIN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DELAURO, Mr. DOGGETT, Mr. DOOLEY of California, Mr. EMANUEL, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Ms. HARMAN, Mr. HINCHEY, Mr. HOEFFEL, Ms. NORTON, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. LARSEN of Washington, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Ms. MAJETTE, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. NADLER, Mr. OLVER, Ms. PELOSI, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SIMMONS, Ms. SOLIS, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4192. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. SKELTON, Mr. TANCREDO, Mr. DOOLITTLE, Mrs. MYRICK, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. SESSIONS, Mr. FROST, Mr. LIPINSKI, Mr. WILSON of South Carolina, Mr. COOPER, Mr. ADERHOLT, Mr. REYES, Mr. WOLF, Mr. PALLONE, Mr. KIRK, Mr. HOSTETTLER, Mr. HUNTER, Mr. SPRATT, Mr. FLAKE, Mr. ISAKSON, Mr. HAYWORTH, and Mr. CASE):

H. Con. Res. 407. Concurrent resolution saluting the life and courage of the late Commander Lloyd ''Pete'' Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER-2) at the time of its capture by North Korea on January 23, 1968; to the Committee on Armed Services.

By Ms. DEGETTE (for herself, Mr. UDALL of Colorado, Mr. HEFLEY, Mrs. MUSGRAVE, Mr. BEAUPREZ, Mr. MCINNIS, and Mr. TANCREDO):

H. Con. Res. 408. Concurrent resolution congratulating the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PORTER (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. NORWOOD, Mr. EHLERS, Mr. DEMINT, Mrs. MUSGRAVE, Mrs. BLACKBURN, Mr. KIND, Ms. MCCOLLUM, and Mr. CASE):

H. Res. 600. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. FOLEY, Mr. DINGELL, Mr. WAMP, and Mr. HOEFFEL):

H. Res. 601. A resolution recognizing the importance of designating the Republic of Poland as a program country for purposes of the visa waiver program under section 217 of the Immigration and Nationality Act and urging the Secretary of Homeland Security and the Secretary of State to assist Poland in qualifying for such program; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

290. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 27 memorializing the United States Congress to address the gap between services offered to children in kinship care arrangments and services offered to children in foster care situations; to the Committee on Education and the Workforce.

291. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 18 memorializing the United States Congress to allocate federal funding for the creation of the National Recovery Training Institute in Louisiana; to the Committee on Energy and Commerce.

292. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6029 memorializing the United States Congress to amend current law so that children of state employees are eligible for health care beneifts under HealthWave; to the Committee on Energy and Commerce.

293. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4004 memorializing the United States Congress to pass the Calling for 211 Act, HR3111 and SB1630; to the Committee on Energy and Commerce.

294. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 79 memorializing the United States Congress to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123); to the Committee on Energy and Commerce.

295. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 193 memorializing the United States Congress to increase the level of federal funds available to the states for DNA testing; to the Committee on the Judiciary.

296. Also, a memorial of the Legislature of the State of West Virginia, relative to House Concurrent Resolution No. 30 memorializing the United States Congress to broaden the eligibility categories of membership in veterans' organizations; 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. 290: Ms. VELAZQUEZ, Mr. SERRANO, Mr. BROWN of Ohio, and Mr. BURR.

H.R. 348: Mr. VITTER, Ms. BORDALLO, Ms. WATERS, and Mr. RODRIGUEZ.

H.R. 504: Mr. PAYNE.

H.R. 677: Mr. HYDE, Mr. NETHERCUTT, Mr. SHERMAN, Ms. WATERS, and Ms. WOOLSEY.

H.R. 685: Mr. ISRAEL and Mr. VAN HOLLEN.

H.R. 745: Mr. CARDOZA and Mr. DEUTSCH.

H.R. 767: Mr. MURPHY.

H.R. 792: Mrs. WILSON of New Mexico.

H.R. 814: Mr. CHANDLER.

H.R. 843: Mr. RODRIGUEZ.

H.R. 857: Mr. SHUSTER.

H.R. 879: Mr. STRICKLAND, Mr. DEFAZIO, and Mr. ROTHMAN.

H.R. 883: Mr. LIPINSKI.

H.R. 930: Mr. SIMMONS.

H.R. 980: Mr. MICHAUD.

H.R. 1057: Mr. KENNEDY of Minnesota.

H.R. 1084: Mrs. JO ANN DAVIS of Virginia.

H.R. 1117: Mr. HERGER.

H.R. 1160: Mr. MEEKS of New York, Mr. JOHN, and Mr. EMANUEL.

H.R. 1173: Mr. FEENEY and Mr. MILLER of Florida.

H.R. 1205: Mr. ALLEN, Mr. FILNER, Mr. BELL, and Mr. PALLONE.

H.R. 1233: Mr. BRADLEY of New Hampshire.

H.R. 1345: Mr. STARK.

H.R. 1359: Ms. WOOLSEY.

H.R. 1709: Ms. NORTON.

H.R. 1726: Mrs. MCCARTHY of New York.

H.R. 1746: Mr. TANNER.

H.R. 1749: Mr. PITTS.

H.R. 1779: Mrs. JO ANN DAVIS of Virginia, Ms. ROS-LEHTINEN, and Mr. SHAW.

H.R. 1873: Mr. MILLER of Florida, Mr. HASTINGS of Florida, and Mr. SESSIONS.

H.R. 2176: Mr. DAVIS of Florida.

H.R. 2198: Mr. SCHIFF.

H.R. 2455: Mr. ABERCROMBIE and Mr. SHERMAN.

H.R. 2490: Mrs. DAVIS of California.

H.R. 2612: Mr. REYES.

H.R. 2700: Ms. MILLENDER-MCDONALD.

H.R. 2719: Mr. BRADLEY of New Hampshire.

H.R. 2773: Mr. OWENS.

H.R. 2823: Mrs. CAPITO and Mr. HOLT.

H.R. 2863: Mr. CLYBURN.

H.R. 2890: Mr. WAMP.

H.R. 2971: Mr. CUMMINGS.

H.R. 3092: Mr. SHERMAN.

H.R. 3171: Mr. RANGEL.

H.R. 3242: Mr. BISHOP of New York, Mr. LOBIONDO, Mr. ANDREWS, Mr. HASTINGS of Washington, Mr. STUPAK, and Mr. MORAN of Virginia.

H.R. 3308: Mrs. BIGGERT and Mr. JOHNSON of Illinois.

H.R. 3352: Mr. SCOTT of Virginia.

H.R. 3359: Mr. ROTHMAN.

H.R. 3363: Mr. JOHN.

H.R. 3378: Mr. KILDEE, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mrs. DAVIS of California, Mr. ALLEN, Mr. DEFAZIO, Mr. INSLEE, Mr. WELDON of Florida, Mr. SANDERS, Mr. GOSS, and Mr. GRIJALVA.

H.R. 3412: Mr. BARTLETT of Maryland.

H.R. 3441: Mr. MICHAUD, Mr. RAHALL, Mr. MARSHALL, Mr. BERRY, and Mr. WEINER.

H.R. 3444: Ms. LEE and Ms. WOOLSEY.

H.R. 3474: Mrs. DAVIS of California and Mr. ROTHMAN.

H.R. 3480: Mr. SHERMAN.

H.R. 3528: Mr. PASCRELL.

H.R. 3545: Mr. ALLEN.

H.R. 3612: Mr. FILNER.

H.R. 3619: Mr. COOPER, Mr. CHANDLER, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, and Mr. CLYBURN.

H.R. 3684: Mrs. MALONEY, Mr. BISHOP of New York, Mr. SIMMONS, Mr. SMITH of Washington, and Mr. ABERCROMBIE.

H.R. 3696: Mr. SANDLIN.

H.R. 3707: Mr. DUNCAN, Mr. BALLANCE, Mr. VISCLOSKY, Mr. WU, Ms. ROYBAL-ALLARD, Mr. LEVIN, and Mr. RAMSTAD.

H.R. 3712: Mrs. TAUSCHER, Ms. LEE, and Mr. LARSON of Connecticut.

H.R. 3736: Mr. DEMINT and Mr. DEFAZIO.

H.R. 3755: Mr. JEFFERSON.

H.R. 3777: Mr. TURNER of Texas.

H.R. 3795: Mr. RUPPERSBERGER, Mr. MILLER of Florida, Mr. ANDREWS, and Mr. BURNS.

H.R. 3798: Mr. ETHERIDGE, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. INSLEE, and Ms. DELAURO.

H.R. 3800: Mr. MORAN of Kansas, Mr. ENGLISH, Mr. REHBERG, and Mr. HAYWORTH.

H.R. 3803: Mr. BERMAN and Mr. OWENS.

H.R. 3880: Mr. LYNCH, Mr. SIMMONS, and Mr. RANGEL.

H.R. 3881: Ms. SOLIS, Mr. CUMMINGS, Mr. ROSS, Mr. SANDERS, and Mr. HOLT.

H.R. 3901: Mr. GOODLATTE and Mr. SESSIONS.

H.R. 3950: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3960: Mr. BELL, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, and Mr. OWENS.

H.R. 3968: Mr. SANDERS.

H.R. 3980: Mr. LAMPSON, Mr. STENHOLM, Mr. MARIO DIAZ-BALART of Florida, Mr. GORDON, Mr. HONDA, Mr. SMITH of Texas, Mr. BOEHLERT, Mr. CASE, Mr. ACEVEDO-VILÁ, Mr. JOHN, Mr. MCINTYRE, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. HILL, Mr. GOODE, Mr. COOPER, Mr. BURGESS, Ms. HART, Mr. COLE, Mr. SESSIONS, Ms. GRANGER, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, and Mr. PEARCE.

H.R. 3990: Mr. KLECZKA.

H.R. 4023: Mr. JEFFERSON, Mr. HINOJOSA, Mr. GONZALEZ, Mr. BRADLEY of New Hampshire, Mr. MCNULTY, Mr. GRIJALVA, Mr. ROSS, and Mr. TURNER of Texas.

H.R. 4057: Mr. BURR.

H.R. 4061: Mr. BRADY of Pennsylvania.

H.R. 4076: Mr. DINGELL, Mrs. CAPPS, Mr. FILNER, Ms. LEE, Mr. MCDERMOTT, Mr. SANDERS, and Mr. GRIJALVA.

H.R. 4082: Mr. HOLT and Mr. MCDERMOTT.

H.R. 4095: Ms. LOFGREN, Mr. PAYNE, and Mr. OWENS.

H.R. 4101: Ms. ESHOO.

H.R. 4109: Mr. SIMMONS, Mr. ISSA, Mr. REYNOLDS, Mr. FOLEY, Mr. GIBBONS, Mrs. WILSON of New Mexico, and Mr. BURTON of Indiana.

H.R. 4116: Mr. WALSH, Mr. KING of New York, Mr. LATOURETTE, Mr. MCINTYRE, Mr. PORTER, Mr. BARRETT of South Carolina, Mr. PUTNAM, Mrs. JOHNSON of Connecticut, Mr. OSE, Mr. SULLIVAN, Ms. HART, Mr. CARTER, Mr. MURPHY, Mr. BONNER, Mr. AKIN, Mr. PENCE, Mr. PEARCE, Mr. COLE, Mr. KLINE, Mr. BOEHNER, Mr. ROGERS of Michigan, Mr. SHUSTER, Mr. FORBES, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. KNOLLENBERG, Mr. WELLER, Mr. ROHRABACHER, Mr. CALVERT, Mr. LEWIS of California, Mr. WILSON of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mrs. WILSON of New Mexico, Mr. EHLERS, Mr. HEFLEY, Mr. DEAL of Georgia, Mrs. BIGGERT, Mr. FARR, Mr. NEY, Mr. PETRI, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. HAYWORTH, Mr. DOOLITTLE, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. SMITH of Michigan, Mr. UPTON, Mr. BASS, Mr. TIBERI, Mr. BURNS, and Mr. ISSA.

H.R. 4149: Ms. HART and Mr. VAN HOLLEN.

H.J. Res. 45: Mrs. TAUSCHER.

H.J. Res. 48: Mr. CALVERT.

H.J. Res. 83: Mr. FROST.

H. Con. Res. 285: Mr. BRADLEY of New Hampshire.

H. Con. Res. 366: Mr. ETHERIDGE, Mr. RODRIGUEZ, Mr. EMANUEL, Mr. LARSEN of Washington, and Mr. BERMAN.

H. Con. Res. 378: Mr. UDALL of Colorado, Mr. HONDA, Mr. OWENS, Ms. WATSON, Mr. KUCINICH, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. GORDON, Mr. LAMPSON, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. DOGGETT, Mr. JOHNSON of Illinois, Mr. RAHALL, Mr. UDALL of New Mexico, Mr. HOEKSTRA, Mr. HINCHEY, Mr. BURNS, and Ms. MCCOLLUM.

H. Con. Res. 396: Mr. KUCINICH and Ms. NORTON.

H. Con. Res. 399: Mr. MEEHAN, Mr. GRIJALVA, Mr. PAYNE, Mr. MCNULTY, Mr. EVANS, and Mr. GALLEGLY.

H. Con. Res. 403: Mr. ADERHOLT, Mr. TANCREDO, Mr. PAYNE, Mr. RANGEL, Mr. MCGOVERN, Mrs. CAPPS, Mr. SNYDER, Mr. ABERCROMBIE, Mr. FILNER, Mr. DEFAZIO, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ALLEN, Mr. BACHUS, Mr. GREEN of Wisconsin, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Mr. SHIMKUS, Mr. ROYCE, Mr. PITTS, Ms. SCHAKOWSKY, Mr. NEUGEBAUER, Mr. AKIN, Mr. KIRK, Ms. WOOLSEY, and Mr. ENGLISH.

H. Con. Res. 406: Ms. HARRIS.

H. Res. 307: Mr. MCNULTY.

H. Res. 419: Mr. FRANK of Massachusetts.

H. Res. 466: Mr. TOWNS, Mr. BERMAN, and Mr. PASCRELL.

H. Res. 528: Mr. MANZULLO, Mr. DAVIS of Illinois, and Mr. MENENDEZ.

H. Res. 550: Mr. NEAL of Massachusetts, Mr. WAMP, Mr. SIMMONS, Mrs. TAUSCHER, and Mr. HEFLEY.

H. Res. 567: Mr. BOUCHER, Mr. STARK, Mr. BISHOP of New York, Mr. BELL, Mr. GONZALEZ, Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. PETRI, Mr. BRADLEY of New Hampshire, Mr. PICKERING, Mr. BACHUS, Mr. BARTLETT of Maryland, Ms. BALDWIN, Mr. KLECZKA, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. TANNER, Mr. WOLF, Mr. TIBERI, Mr. HULSHOF, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. TURNER of Texas, Mr. ISAKSON, Ms. MCCARTHY of Missouri, Mr. LEACH, Mr. BOYD, Mr. BASS, Mrs. MUSGRAVE, Mr. FILNER, Mr. BERRY, and Mr. CULBERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 4090: Mr. ENGLISH.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

77. The SPEAKER presented a petition of Amon Re, a Citizen of Albuquerque, New Mexico, relative to a letter and complaint directed to the United States federal government and its Congress; to the Committee on the Judiciary.

78. Also, a petition of Gregory T. Howard, a Citizen of Toledo, Ohio, relative to a letter discussing a legal matter; to the Committee on the Judiciary.

79. Also, a petition of Deputy Secretary, Department of Natural Resources, State of Louisiana, relative to the 2003 Evaluation Report to the U.S. Congress on the Effectiveness of Coastal Wetlands Planning, Protection and Restoration Act Projects on behalf of the Louisiana Coastal Wetlands Conservation and Restoration Task Force; jointly to the Committees on Resources and Transportation and Infrastructure.

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

God of grace and God of mercy, You first loved us. You paid the debt for our transgressions that we might experience reconciliation. Lord, thank You for rescuing us from ourselves and for the power You give us daily to live victoriously.

You alone are worthy to receive power, riches, wisdom, might, honor, glory, and blessing. Nothing is accidental or incidental with You, for You are the author and finisher of our faith.

Be near our Senators today as they serve our Nation and freedom's cause. Reveal Yourself to them as they strive to make right decisions about complex issues. Empower each of us to move into the future with faith in the wisdom of Your providence.

Lord, bless our military people who daily sacrifice for freedom. We pray also for our enemies, as You have commanded us to do. Hasten the day when peace shall reign. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the time set aside for the leaders, the Senate will begin a period of morning business for up to 60 minutes. Today the Republican side will control the first 30 minutes, to be followed by 30 minutes under the control of the other side of the aisle.

Following morning business, the Senate will resume the motion to proceed to the asbestos bill. During the last 2 days Senators came to the floor and engaged in debate on the asbestos issue. I appreciate that. However, we should now proceed to the bill itself in order to work through various issues.

Last night, in order to move forward with the bill, I filed a cloture motion on the motion to proceed. That cloture vote will occur tomorrow. Again, this procedural vote is to allow us to begin the process of deliberating and deciding on the issues surrounding the issue of asbestos. It is a beginning of the process. Therefore, I hope cloture will indeed be invoked tomorrow morning.

In addition, Senators KYL and FEINSTEIN have been discussing the victims' rights constitutional amendment which is on the calendar. My hope is to consider that legislation following the asbestos bill. There was an objection to beginning that bill as well, and it became necessary to file a cloture motion on the motion to proceed to that joint resolution. Depending on the outcome of the asbestos cloture vote, the cloture vote on the victims' rights amendment may also occur tomorrow.

On both of these matters, the Senate should be able to deliberate on the underlying issues, and ultimately the Senate should work its will on each of these bills. We will continue to press for consideration of the asbestos legislation and the victims' rights amendment this week in order for the Senate to ultimately vote on these two important pieces of legislation.

The leadership, Republican and Democratic, will continue to discuss among themselves the asbestos bill and the best way to proceed over the next several days.

I yield the floor.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT

Mr. DASCHLE. Mr. President, could the majority leader clarify the circumstances involving the victims' bill of rights? As I understand it, there have been some discussions, as the majority leader alluded, to a statutory approach to the victims' bill of rights. As I understand it, last night some agreement was reached. If that is the current situation, I am wondering whether it is still the intention of the majority leader to move a motion to proceed on the constitutional amendment.

Mr. FRIST. Mr. President, the final decision will be made over the course of the day. If agreement has been reached—I know as of late last night, actually up until 6 o'clock, the decision was made to file the cloture motion. Discussions were still underway. If an agreement has been reached that is mutually agreeable to both sides, we will not proceed with the cloture motion. But rather than comment on that definitively now, I would like to talk to the parties involved.

Mr. DASCHLE. I thank the majority leader.

IRAQ AND THE NATIONAL GUARD

Mr. DASCHLE. Mr. President, I will take my leader time to comment on the privilege I had last week of spending some time with hundreds of South Dakota Guard members and their families.

I wanted to say a few words today about the selfless and courageous sacrifice of the South Dakota Guard and, indeed, all of our soldiers who are placing their lives on the line so that the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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children of Iraq can inherit a nation safer, stronger, and freer than that of their parents.

Too often, the contributions of our Guard members and reservists have gone unrecognized. But today, the brace soldiers in our Guard and Reserve have become indispensable to protecting our national security.

With the end of the Cold War and the decision to draw down active duty forces, the Nation has dramatically increased its reliance on reservists. Guard and Reserve soldiers have been called up to active duty more frequently, and have been taken away from their families and communities for longer periods of time, than perhaps at any other time in our history. As a result, the line between active and reserve duty has become blurred.

The service of the South Dakota National Guard and Reserve provides a perfect illustration. Two-thirds of South Dakota's National Guard members have been called up since September 11. On a per capita basis, South Dakota has had more of its Guard members activated than any other State. These call-ups have fallen heavily on South Dakota's Army Guard units. According to Governor Michael Rounds, nearly 8 of every 10 South Dakota Army Guard members have already been called up for active duty.

The South Dakota National Guard has six units and 1,200 soldiers in the Iraq theater, including the 740th Transportation Company, the 842nd Engineer Company, the 2nd Battalion of the 147th Field Artillery, the 153rd Engineer Battalion, the 1742nd Transportation Company, and the 216th Engineer Detachment. These soldiers have the gratitude and admiration of our State and our Nation.

Late last week, we were reminded of the dangers they face each and every day. As I noted on the floor Monday, Army Specialist Dennis Morgan, a member of the South Dakota National Guard, was one of the 12 American soldiers killed in Iraq this past weekend. Specialist Morgan was the sixth South Dakota soldier to die in this war, and the first member of the South Dakota National Guard. While South Dakotans' thoughts and prayers are with Specialist Morgan's family and, indeed, the families of all of those who have lost loved ones in Iraq, we also pray for the safety of the soldiers who remain in Iraq.

Two South Dakota units have received the most public attention as of late—the 740th Transportation Company of Milbank and Brookings and the 842nd Engineer Company of Spearfish, Belle Fourche, and Sturgis.

Unfortunately for the soldiers of these units and their families, the reason these units are in the news is not a happy one. Last week, nearly 300 soldiers from the 740th Transportation Company and the 842nd Engineer Company learned that they would not be coming home when they complete their year-long tour of duty.

According to Jay Brozik, husband of 1LT Sally Brozik who serves in the 740th, members of this unit had been informed they would be heading home soon. Their personal belongings had been packed for the trip home. The troops had completed the medical briefing required prior to leaving the Iraq theater. Their equipment had been transferred to a replacement unit. Their families were eagerly awaiting a joyous return.

All that came to a crashing halt late last week, when the Department of Defense announced that the tours of duty for this unit had been extended at least three months longer than promised.

The story is similar for the 842nd Engineering Company and about 20,000 other active and reserve troops who were in formed that the administration had broken its commitment of one-year, ''boots on the ground'' in Iraq.

Although I am confident all involved will continue to serve their country in the same exemplary fashion they have to date, the administration's decision was difficult to bear for the soldiers and families involved. In the words of Spearfish Mayor Jerry Krambeck, ''I don't know what I can say without putting tears in my eyes. All I can do is continue as we are and continue to support the families even more at this point.''

Jay Brozick said, ''I was thinking my wife would be back for our son's birthday, May 4. Now it's changed everything.'' And Ryan Lovrien spoke of his girlfriend, SGT April Semmler of the 740th: ''[April] had mentioned hoping after a year to be home and spend time with the family in the summertime and just be out of there. Now they're going to do three or four months.''

Mr. President, the cost of failure in Iraq is beyond comprehension. Given the stakes involved for the people of Iraq, the region, and the world, we have no choice but to maintain our commitment and do all we can to bring about a safe, secure, and democratic Iraq. But we do face a choice about how we fulfill this commitment.

I urge the President to redouble his efforts to expand the international presence on the ground. We have the finest forces in the world. Breaking our commitment to these forces is not only unfair, it is shortsighted. Already we see soldiers re-enlisting at lower rates than in the past. Considering that the demands placed on our already overextended forces are unlikely to fall in the future, failure to at least sustain current force levels would undermine our national security.

Mr. President, I know the Senate joins me in commending the service of the men and women in the South Dakota Guard and indeed all of our troops involved in the current conflict in Iraq. I particularly want to express my appreciation for the sacrifices made by the troops of the 740th and the 842nd and their families. They came when they were called, performed as requested, and, under any circumstances, will continue to perform magnificently.

But the burden should be shared—so that we can sustain our current forces and give those who've already sacrificed so much a well-deserved rest.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time not yet used will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee.

ORDER OF PROCEDURE

Mr. REID. Mr. President, will my friend yield for a unanimous consent request?

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, I ask unanimous consent that, under the Democratic-controlled time, Senator BOXER be recognized for 15 minutes, Senator JEFFORDS be recognized for 7½ minutes, and Senator HARKIN be recognized for 7½ minutes.

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

The Senator from Kentucky is recognized.

PATRIOT ACT

Mr. MCCONNELL. Mr. President, in October of 2001, the Senate passed the PATRIOT Act by a near unanimous vote of 98 to 1. The PATRIOT Act has been a vital tool in our ongoing efforts to prevent future attacks of terrorism against Americans at home. Terrorist cells across the country have been broken up from Buffalo, to Detroit, to Seattle, to Portland. Over 300 criminal charges have been brought. Over 515 individuals linked to the 9/11 investigation have been deported. Hundreds more suspected terrorists have been identified and tracked throughout our country. It is no wonder, then, that the biggest hero to emerge from the hearings before the 9/11 Commission has been the PATRIOT Act. Witnesses from both the Clinton and Bush administrations, and from both political parties, have praised its efficacy in fighting the war on terror.

Unfortunately, we are in the middle of an election year and some Washington politicians would rather demagog the PATRIOT Act and the Attorney General for his use of it. For example, the junior Senator from Massachusetts voted for the act. But since becoming his party's presumptive nominee, he has taken an entirely different

tack. For example, last month, he said: It is time to end the era of John Ashcroft. That starts with replacing the PATRIOT Act with a new law that protects our people and our liberties at the same time.

It is quite puzzling how Senator KERRY and his Democratic colleagues who voted for the PATRIOT Act can now do an about-face and raise such serious questions about its effects on civil liberties. It is even more puzzling to make such charges in light of how instrumental the PATRIOT Act has been in safeguarding Americans, and in the absence of evidence that the PATRIOT Act is being misused.

Sixteen key provisions of the act will expire on December 31 of next year. It is crucial that law enforcement not be deprived of these tools. While I cannot prevent election year politics, I can try to disabuse my colleagues of erroneous assumptions about some of these provisions.

Let's take a look at section 201 of the act. That section allows law enforcement to use existing electronic surveillance authorities to investigate certain crimes that terrorists are likely to commit.

Now, the myth about section 201 is as follows: Some contend that the Government already has the authority to investigate cases of suspected terrorism and, therefore, section 201 is completely overkill. But the fact is, before section 201 of the PATRIOT Act, law enforcement had the authority to conduct some electronic surveillance when investigating ordinary nonterrorism crimes. But law enforcement could not use wiretaps to investigate all of the crimes that terrorists will commit.

Now, as an illustration of this odd dichotomy, law enforcement could use wiretaps to investigate mail fraud but not for chemical weapons offenses or cases involving the use of a dirty bomb or cases involving killing Americans abroad or cases of terrorism financing. Let's go over that one more time. Law enforcement could use wiretaps to investigate mail fraud but not for chemical weapons offenses or offenses related to dirty bombs, killing Americans overseas, or terrorism financing. That is an absurd position for the law to be in.

So it seems to me that if law enforcement can use a wiretap to bust up a failed mail-in sweepstakes ring, it should be able to use wiretaps to stop the use of a dirty bomb.

Let's make one final point about section 201. To obtain a wiretap under this section, all the preexisting safeguards for wiretaps must be complied with, including establishing probable cause before an impartial Federal judge and getting that judge to sign off on the use of a wiretap.

Another section that has been misunderstood is section 206. This provision allows roving wiretaps in national security investigations. But it only allows them when the FISA court finds that a suspect may thwart surveillance. In a roving wiretap, the tap attaches to a suspect rather than to a device so that the suspect cannot defeat surveillance simply by changing cell phones, for example. The myth is that section 206 is a broad expansion of power without privacy protections.

But the facts are that those assertions are incorrect. For over a quarter of a century, law enforcement has used roving wiretaps to solve ordinary crimes such as drug offenses. How can that be terribly expansive, to allow in national security matters what has been occurring in ordinary criminal matters for 25 years?

Second, as I said, a roving wiretap can only be obtained after a court finds that a suspect might thwart surveillance. A number of courts, including at least three circuit courts, have ruled that roving wiretaps are perfectly consistent—perfectly consistent—with the fourth amendment. So it is pretty clear that privacy protections are not being eviscerated.

In sum, we should renew the parts of the PATRIOT Act that will expire. We should not take away from law enforcement needed weapons in the war against terrorism.

THE 9/11 COMMISSION

Mr. MCCONNELL. Mr. President, I wish to make a couple of observations related to the proceedings of the 9/11 Commission, which have been in the news recently.

Specifically, I am troubled by the partisanship that some Commissioners have displayed, such as by cross-examining public officials as if they were common criminals.

I am not the only one who is troubled by the proceedings. Former National Security Adviser under President Clinton, Tony Lake, has said that the hearings are ''a sad spectacle that has become so partisan.'' That is the National Security Adviser under President Clinton.

Max Holland, a former fellow at the University of Virginia who is writing a history of the Warren Commission, notes that, ''in some respects,'' the proceedings of the Commission are ''definitely a new low.'' He added that ''this is a commission charged with establishing facts and the truth rather than posturing for political gain. But some of the hearings amounted to lecturing and posturing.''

Still others, such as Professor Juliette Kayyem of the Harvard's Kennedy School of Government who served on a congressional terrorism panel to investigate the 1998 African embassy bombings, have questioned why 9/11 Commission members have granted so many interviews. She notes that ''they have become too public'' and that ''tempts Commissioners into making assessments and conclusions prematurely,'' she suggests.

My understanding of the 9/11 Commission was that it was to impartially determine the facts and make nonpartisan recommendations on how to move forward. I am trying to be fair-minded and positive about this, and I hope the Commission holds to its mission. I think it has strayed somewhat off into the political arena. It has received, I think, justified criticism for so doing. They still have an opportunity to move back in the direction they know and we know they should go and produce a report that we will all feel will pass the smell test and stick to the goal we all thought the 9/11 Commission had in the first place.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from New Mexico. Does the Senator yield time to himself under the standing order?

Mr. DOMENICI. I did not hear the Chair.

The PRESIDENT pro tempore. Does the Senator yield time under the existing order for allocation of time?

Mr. DOMENICI. Yes. I understood I was going to speak next. How much time do I have?

The PRESIDENT pro tempore. There are 20 minutes remaining.

Mr. DOMENICI. I thank the Chair.

Mr. President, I followed with interest the media comments and partisan criticism of the President in light of testimony from a variety of individuals before the 9/11 Commission. I find the criticism almost laughable, in some cases. Here is what I gather is the essence of the criticism prior to the attacks on 9/11:

One, President Bush didn't care about terrorism, didn't care about it enough, but if he did, he didn't want to know about it.

Second, President Bush didn't know about terrorism, but if he knew, he didn't know enough to do anything.

Third, President Bush didn't do anything about terrorism, but if he did, it wasn't enough.

Finally, President Bush and the agencies of Government knew about the pending attacks on September 11, 2001, but didn't do anything about it.

Or President Bush and the agencies of Government didn't know in advance about terrorism plans for September 11, but they should have.

Just laying out this summary of the charges shows the contradictory, almost ludicrous nature of these attacks. How outrageously partisan this all has become.

Let me talk a minute about the way I see it.

First, let's for a minute assume that 9/11 did not occur. Remember, I am going to talk for a minute about the President, America, and the Congress as if 9/11 did not occur.

Mr. President, 9/11 did not occur, but the President got a report from the CIA, FBI, NSA, and others, telling him al-Qaida was getting anxious, they were a little bit worried about things; the group is moving around a little bit too much; they may be thinking about attacking America. But no 9/11 has

ever occurred for my hypothesis about how I see it.

The President says: In light of this report, we better get ready and we better take this issue to the American people. So the President gets ready, and he makes a speech to the American people. There has been no 9/11, so he cannot talk about that.

He gets up and says: Things are a little dangerous. Al-Qaida is moving around too much. I am a little worried about America, so I think we ought to do something about it.

No 9/11 has ever occurred.

The President says to the American people: I want to set up a department, and I want 45,000 people hired so we can check on everybody who gets on an airplane in the United States.

Mr. President, 45,000 people and everybody who gets on an airplane in America is going to be checked is the first request.

The second request: The PATRIOT Act—which has been discussed this morning—I need that, I want that, says the President.

Third, I need a homeland security agency. It will be big because this is a big problem, says he; $26 billion will be put into one agency so they can work on homeland security.

Can we imagine the President of the United States taking that to the American people if we did not have 9/11? I can imagine it. In fact, I could ask the American people, What do you think would have happened? You know what they would say? Nothing would have happened. They would have laughed at the President. They would have said: Who does he think he is. He wants to search everybody who is getting on an airplane? He wants this new extraordinary power, some say, under the PATRIOT Act. He wants this new department.

Do you know what we would have said in the Senate: You will never get that, Mr. President. Who do you think you are, a dictator? You want to check everybody who gets on an airplane in the United States? Never heard of such a thing. That is the truth of the matter. That is what would have happened. He would have gotten nothing. I just do not believe that this Congress, especially with the attitude I am seeing now—which is totally obstructionist, a minority but a large minority is trying to stop everything—can you imagine what they would have done if the President of the United States, without 9/11, would have requested all these items? I cannot.

The point I am trying to make is, it is rather absurd to talk about which week did the President know, how much did he know, should he have known more; if he knew more, shouldn't he have done more? I have already gone through those, but I go through them again because, as a matter of fact, had he known a little more, had he known it sooner, had he had more reports from the CIA, nothing would have happened in terms of changing our laws.

I am going to carp on one of them. Can you imagine Congress giving the President of the United States the authority to check everybody who gets on an airplane in the United States because he had some reports showing that al-Qaida was dangerous, al-Qaida might be looking at some activity in the United States? Of course not. Anybody who believes we would have done that for this President or any President is just not facing reality.

As a matter of fact, it is my honest belief that if we did not have 9/11, we would have passed none—not one or two—none of the extraordinary measures that were passed because of 9/11.

It seems to me that for people to now run around and wonder and speculate about whether the President knew enough, whether he should have known more because if he did he could have gotten all these things that we are talking about, that is an absolute absurdity.

Remember, we had a Senator from the State of Georgia. Remember what he did on the Senate floor? He resisted homeland security. He resisted it on the basis that he was not sure whether they should put unions in as a mandatory notion with reference to those people who were going to be part of this new agency of our Government. He lost an election on the basis that he favored unions over the Department of Homeland Security. We then got a sufficient vote to pass it. It was that tough, even after 9/11.

I close by repeating that this Senator does not believe it is possible that we would have passed this legislation that everybody is saying the President should have worked on, he should have done more on, he should have worked on this, he should have gotten America more prepared, when as a matter of fact this Senate would probably have done nothing had we not had 9/11.

So is it not ludicrous, is it not rather outrageous that we are spending time trying to figure out if he knew, when did he know, he should have known more, when the facts are that it would not have made any difference because we would not have done anything? We would not have done anything unless and until al-Qaida had attacked the United States.

If anybody would like to argue that point, I would be delighted. Does anybody believe we would have said we are going to check every American who gets on an airplane if we had not had 9/11? Imagine what they would have called the President. They would have called him every name under the Sun and probably would have ended up asking, Who does he think he is, a dictator? He wants to take over the airlines and inspect every American? Americans would be saying to their Congressmen, Do not let him do that. It is crazy that they are going to search us before we get on an airplane.

The point is, there is no question that we acted after 9/11. The President acted after 9/11. Whether he did something before 9/11 or not seems to me to border—as a question, it seems to be one that we know the answer to. Even if he knew more, even if he knew sooner, we would have done nothing.

So why is so much being made about that period of time and talking about the 1 or 2 weeks and was there a breakdown in communication or not? Look, we all understand we were not on a war footing. We did not get there until we had been attacked. I do not think America would have gotten ready before the attacks. Maybe after this al-Qaida attack we might, but, frankly, I believe any President, and in particular this one, would have been attacked viciously had he been talking about searching every citizen, every person, who was planning to go on an airplane, or if he would have said, I want to amend the rules and I want to call it the PATRIOT Act and we are going to have a lot more authority to track people, to listen to their conversations, and do the kinds of things the PATRIOT Act provides.

So it seems to me we ought to get on with the report and a study that says how were we deficient—not whether this President knew, when did he know, what did he do—with reference to our laws, our rules, and our ability to do something about a terrorist attack.

I am sorry to say we did what we did only because we got attacked. But we would not have done it otherwise. Whatever the President knew or did not know or whenever he knew it, we would not have responded with the kinds of things we ultimately responded with. Some of them took a little longer than one might expect, but nonetheless the truth of the matter is we do not need a group of partisans to take over that Commission that was appointed in honesty and with earnest intentions. We do not need a commission spending all of its time trying to get to the President politically about what he did or did not do, when he did it, when he should have, when if we looked inward we would say, Well, Congress most probably would have done nothing had we not had 9/11.

I hope the Commission thinks about that when they are writing their report. I hope they think about the reality of preparing ourselves for terrorism. I believe, as I have said this morning, we would have done nothing had we not had 9/11. I do not think any President would have succeeded in getting anything done if we did not have 9/11.

It would be interesting for the Commission to look at the matter that way, to look at it from the standpoint of what would have happened, what could we have done, what is the reality of getting anything done prior to 9/11 actually happening.

I yield the floor.

The PRESIDING OFFICER. Without objection the majority's time is reserved.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I listened to the Senator's very eloquent and well-prepared speech of the problems that occurred prior to 9/11. We all understand and know how bad they were.

EARTH DAY

Mr. JEFFORDS. I rise to speak about an issue that has been with us for a long time and for which we have had responsibility and have done a pretty good job at making sure everything would turn out all right. I want to talk about clean air, the environment, and areas where we have made tremendous progress.

As we mark Earth Day tomorrow, rather than celebrating the environmental legacy, I am afraid we are fighting harder than ever to protect our progress. Since the day he came into office, President Bush has worked to gut more than 34 years of hard work by weakening many of our Nation's standing environmental laws, some of which were signed into law by his father.

Air pollution is causing 70,000 premature deaths a year in the United States. Yet this Bush administration has proposed one of the biggest rollbacks of the Clean Air Act in history. Science tells us more than 600,000 women and children are at risk from mercury contamination. Yet this Bush administration has proposed to violate a legal requirement to reduce mercury emissions from powerplants.

As we approach another summer, 40 percent of the U.S. rivers and lakes remain too polluted for fishing or swimming. In spite of this fact this Bush administration has proposed fewer bodies of water to be protected by the Clean Air Act. Toxic waste sites continue to be added to the Superfund while the Bush administration continues to cut funding for the program and refuses to reauthorize the ''polluter pays'' law.

The Earth continues to warm and this Bush administration refuses to act to reduce the greenhouse gas emissions. This Bush administration has a growing credibility gap, maybe even a credibility chasm, on environmental policy. The President has lost the trust of the American people when it comes to the environment.

As the ranking member of the Senate Environment and Public Works Committee, I believe we have an obligation to maintain and enforce the environmental laws already on the books and also to strengthen them. Unfortunately, our President is moving us backward instead of leading us forward. I hope we can once again celebrate Earth Day by showing more respect for our environment.

I yield the floor.

Mrs. BOXER. Mr. President, I am proud to be here with my friend and colleague Senator JEFFORDS, who is the ranking member on the Environment and Public Works Committee on which I serve. His leadership has been extraordinary on a whole range of issues, as has been his dedication to the environment, to protecting people and their environment.

When we hear protection of the environment, some people think of wildlife, which is true, and fisheries, which is true, and forests. It is all true. It is all about preserving these things—first of all, because they are God's gift to us and that is our moral obligation, but it also protects the people of our country because we know when species get endangered, we know when oceans get polluted, we know when we lose the wetlands, we know when the air is smoggy, it hurts the people we represent—particularly the children, who are the most vulnerable, the people who are ill, and the elderly.

If we take our position seriously, what could be more fundamental than protecting our people? Protecting the environment is protecting our people. It is what we must do. It is the moral thing to do.

I say to my friend Senator JEFFORDS—and I see my colleague Senator REID of Nevada has come to the floor. I serve with both of them on that committee. It is a joy to be on that committee—we have a lot of work to do. We know Earth Day is a time for us to reflect on what our work should be. Gaylord Nelson and Denis Hayes founded Earth Day in 1970 to ensure environmental protection would be a major national issue. It has been. Tomorrow is the 34th anniversary of Earth Day.

One thing I find when I go home is people are so—I don't like to use this word, but it is true—they are disgusted with partisanship. They have had it with partisanship. They want us to work together. On what better issue could we work together than a clean and healthy environment? Whether you are a Democrat or Republican or whatever, you still have to breathe the air; you still have to drink the water; you still want to take your family to the beach or to the park. It is our job to protect the environment so you can do that.

We know this issue has been very much a bipartisan issue. When I think back, what comes to mind is President Nixon founded the EPA. We look at each President and we see progress has been made across party lines. Yet with this Presidency—and I think Senator JEFFORDS has touched on it and it has to be very painful for him to touch on it—we see a reversal of years of bipartisan progress. I want to get into that.

In today's paper there is a big story. The U.S. Commission on Ocean Policy has given its preliminary report on the state of our oceans. Happily, they gave us a blueprint for a new, comprehensive, national ocean policy. This happens to be a Presidentially-appointed commission composed of academics, naval officers, and members of the business community. This group, appointed by our President, is telling us our oceans are in crisis and we need to take action now if we are to reverse declines. The Commission stated we need to start taking an ecosystem-based management approach to protect our oceans and marine species. That means we need to look at the whole environment of the ocean and not take small steps, but make sure we have policies that protect the entire ocean.

We need to improve the governance of our oceans by strengthening and coordinating decisionmaking. The Commission highlighted the need for greater Federal investment in ocean research and exploration for better scientific information.

I am someone who has worked for a long time to stop oil drilling off the coast of California because that is a precious environment we must protect, and it is an economic asset as it is. I am someone who wrote the tuna labeling bill which turned out, happily, to save tens of thousands of dolphins every year. I so welcome this report. I call on the President to embrace the findings of this report. I call on the President to work with us and let us know how he wants to implement this report.

I hope I am wrong in what I am about to say, but given the history of this administration I am very worried we will not hear much from the President about steps he is going to take with us to invest in our environment, to make sure America is the model for the world when it comes to protecting its natural resources.

Half a billion people participate in Earth Day campaigns every year, half a billion people across this world. I urge the President to take a look at this report, to step out on Earth Day and say I embrace this and we are going to work together to protect the oceans. While he is at it, I think Earth Day would be a perfect day for him to say he has seen the light and he is going to reverse all of the environmental rollbacks he is perpetrating on the American people.

I have a scroll I cannot bring into the Senate Chamber because there are rules against bringing the scroll in. When I unroll that scroll—and it goes out 30 feet—we see the more than 350 laws and regulations that have been rolled back unilaterally by this administration. No one has been immune from these attacks: not children with asthma, not communities faced with toxic waste sites, not parents who worry about what comes out of their faucets.

I couldn't possibly go through every rollback. I don't have enough time in the day. But what I want to give a sense of is what these rollbacks look like when they are written down, so I do have a whole series of charts. It is very hard to read, I know. Each one has a date. It starts January 20, 2001,

When the White House Chief of Staff, Andrew Card, issued the memo to all Federal agencies ordering the 60-day suspension of all rules finalized by the Clinton administration, including numerous important regulations to protect the environment and public

health, that is how they started. It was barely a day that they were in office. It started then—unrelenting—the same day the administration held up rules announced by the EPA to minimize raw sewage discharges and to require those discharges be placed in the public record so that the public was notified.

To give you a sense of it, last year alone there were 40,000 discharges of untreated sewage carrying bacteria, viruses, and fecal matter into basements, streets, playgrounds, and waterways across the country.

My God, who would ever want to stop a rule that said you need to notify the public and minimize raw sewage into people's basements?

Earth Day is coming. What are we doing here?

That is just the first two on the list.

On February 12, just a couple weeks after he was inaugurated, the Department of Energy delayed implementation of a new energy-efficient standard for residential and commercial appliances and equipment.

Again, I come from a State that has an electricity crisis. The best way to deal with it is to make sure we conserve as much as we can. Why would anyone think it is in the public interest not to move ahead with those standards?

This goes on. Here I go. I just landed on this one, August 8, 2001: In a reversal of President Bush's Earth Day pledge to preserve wetlands, the Corps of Engineers proposed relaxing a series of rules designed to protect streams and other wetlands. The Forest Service granted authority to review road building and timber sale prices, removing protections for the most pristine and largest roadless national forests.

We have national forests. We protected them. And the administration wants to go and build roads in these most precious areas.

It goes on. December 2001, Interior Secretary Norton reverses her agency's denial of a Canadian company's proposal to locate a major open pit gold mine in an area of the Southern California desert that is of great cultural and religious importance. Former Interior Secretary Babbitt denied it because of the devastating impact it would have had on the resources of this site.

Wasn't that a cyanide mine? They used cyanide on a beautiful precious area that is a religious holy site.

My eyes are just landing on different items here.

December 14, right before Christmas, 2001, the Department of Energy says the Government no longer must prove the Yucca Mountain's underground rock formations would leak radioactive contamination into the environment.

Can you imagine dumping radioactive waste and not making sure that it wouldn't leak into the environment? What are they doing over there? It is shocking, absolutely shocking.

This upcoming Earth Day is a chance for the President to embrace his own ocean commission's recommendations and then to step to the plate and reverse some of these.

Here are some more: January 2002 through May 2002. President Bush releases the fiscal year 2003 Federal budget that eliminates the EPA's budget for graduate student research in the environmental sciences. Funding for the EPA's Star Grant Program, which provides highly motivated doctoral students with 3 years of funding to do environmental research, amounts to a little more than one-tenth of 1 percent of the EPA's budget.

Here is a program where young people who are dedicated to the environment can continue their education. Oh, no. This is something that is going to be cut from the budget.

May 10, 2002, EPA documents reveal that the Federal Office of Surface Mining is pushing to halt reforms that would ensure coal companies have plans to restore mining development before they can obtain mountain top removal permits.

Here is a coal mine that wants to go on the top of the mountain. And we always said you have to have a plan for how you are going to restore the mountaintop. They say it is OK; go ahead, destroy the mountains; we really do not care.

How could people understand all of this that is going on?

I am just picking a few.

Let us look at another chart. All of this is on the scroll.

The Bush anti-environmental record, May 2002 through August 2002: This is something Senator JEFFORDS talked about.

An Assistant Secretary at the Commerce Department testified that the Bush administration needs between 2 and 5 years to develop a national strategy to minimize global warming, and they will seek volunteer reductions instead of mandatory emission reductions.

The announcement came despite recent civilian employee reports confirming what most scientists have long believed—greenhouse gases generated by human activity are a major cause of climate change.

The Commerce Department says, Well, even though the scientists say this is global warming—and we have had hearings that show that slopes where people go skiing may not be there in the near future—they are just going to take their time about it and they are not going to require companies to clean up their act. They are going to use voluntary methods. This is just one more example. It goes on and on.

Here is August 2002 through December 2002. Can you imagine all of these rollbacks by one administration? It is shocking. Any one of these, I say, deserve days of discussions because of their ramifications.

Here is one, September 7, 2002: An investigation reveals that under the Bush administration the number of EPA personnel assigned to enforce air quality laws has fallen by 12 percent, the lowest level on record. In addition, the number of EPA civil enforcement employees also has been cut in the past year by 5.7 percent.

What does that mean? It means the people who are enforcing the laws we pass are being laid off or transferred out. The polluters understand it. They are not dumb; they know. If they are not being watched, they are not going to live up to their obligations.

It is a reversal of years of bipartisan progress. That is what hurts so much.

As I listened to my friend, Senator JEFFORDS, who made a very heartfelt decision to become an independent, one of the reasons he decided was the environment and that he was perplexed and discouraged and dismayed at what had happened to his party—his former party. I understand why he is perplexed.

We just looked at some of these. Let us go ahead. This doesn't stop. It goes on and on.

Here is 2002 through July 2003. The administration has reversed a Federal policy that protects public lands while Federal land managers are assessing possible designations of wilderness areas.

Let me explain that. In the past, if someplace is under consideration for wilderness designation, you don't go in there with mining companies and drills. You don't go in there and destroy it while the land is under consideration for wilderness designation. Once you destroy the wilderness, this pristine gift from God, it is gone. Never before have we seen where you go in there and disturb these beautiful areas. But that is what they do.

Here is one, June 6, clean water: The EPA has racked up an abysmal record of enforcing Federal water pollution standards, according to its own study. In the broadest effort to date to document the failure of the EPA and State to enforce the 30-year-old Clean Water Act, the Agency's Office of Enforcement and Compliance found that at one time roughly 25 percent of all large industrial plants and water treatment facilities were in violation of Federal law, and in all but a handful of cases EPA failed to take action against the polluters.

The Clean Water Act is 30 years old, and now we are not enforcing it. The first Clean Water Act was passed under Harry Truman. It has been amended since then.

We have the Clean Water Act and they decided not to enforce it.

Here is one, March 19, 2004: The Federal Government has issued its first-ever warning that certain people should limit their consumption of canned albacore white tuna due to a risk of mercury poisoning. Under new guidelines issued by the U.S. FDA and EPA, pregnant and nursing women and young children should eat no more than 6 ounces of white tuna per week. According to experts on the FDA advisory panel, the recommendations do

not reflect the groups' view that children and pregnant women should completely eliminate albacore tuna from their diets and eat significantly less chunk light tuna than the Government suggests.

Vas Aposhian, a toxicology professor at the University of Arizona, resigned from the panel after the FDA did not heed its warnings.

Mercury is a serious problem, and Senator JEFFORDS has been a leader on that. Even though we know how harmful it is, they have even tried to downplay the impact of mercury on women and children.

This will complete more than 350 rollbacks. This is where we are as we approach this Earth Day.

I am happy to yield for a question.

Mr. JEFFORDS. I thank the Senator for illuminating, pointing out all of the problems created by this administration. As we go forward, the challenge we now have is to make sure no more occur.

Many Members on both sides of the aisle are deeply concerned about what is happening to our environment on this Earth Day. We know that all Members have to continue to alert this Nation of what the policies are doing to this Nation.

Mrs. BOXER. I thank my friend for his comments. He is right.

My goodness, at the minimum, we should do no harm. In other words, let's do no harm. We should do a lot more. We should clean up. We should do better. We should set ourselves a standard of achievement on the environment so that areas get cleaner and the water gets purer. At the minimum, we have to stop bad things from happening.

As we look at more than 350 rollbacks made by this administration, going around the Congress, going through the executive branch by Executive order, and rules and interpretations, I tell you who has been protecting the people. The only way the people have been protected from some of these things is the courts. We are winning some of these battles in the courts.

Speaking of the courts, we are still fighting with the Bush-Cheney administration over the Vice President's desire to keep secret who sat in on his meetings as he put together the energy policies for this country which, as my friend knows, very much weigh heavily on the state of the environment, particularly the quality of the air.

I will be calling on the Vice President, and I might as well start now, to cease and desist in these lawsuits and turn over the records of who was in those meetings. Why should the Vice President not want to reveal this? Instead, it has taken years and thousands of hours of attorneys' time that the taxpayers are paying for, to keep all this secret.

I say to my friend, this is an open government, by and for the people. I don't see any reason why the Vice President needs to keep all of this secret. That is another issue on which we will be working.

I wish to talk about the Superfund. How much time remains?

The PRESIDING OFFICER. A minute and fifteen seconds.

Mrs. BOXER. I will conclude, and I assume my friend would like to speak again.

Mr. JEFFORDS. I would like to add that we have both witnessed all this. I don't know how the Senator feels, but I feel perhaps I have not done as much as I could have, as much as I would like to do.

We have to work together to make sure this terrible onslaught of destroying our environmental laws stops. And I know the Senator joins me in that pledge. And that we will do what we can to not get weaker but hopefully get stronger.

Mrs. BOXER. I say to the Senator, those words mean a lot to me. With all the other issues we face, and we face some very harsh issues, not the least of which is that this month alone I have lost 45 people in Iraq who either were from California or based in California—that weighs heavy on my heart—we have to do it all. There are no excuses.

This is only one environment. It is hard to bring it back when you destroy it.

I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Would that be 5 minutes for each side?

Mrs. BOXER. Absolutely.

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

Mrs. BOXER. Yes, despite all of our other pressures, we have to become tougher, stronger. We have to do everything we can.

I try to give out the Toxic Trophy Awards every time one of these things happens to try to draw attention to what is going on.

I return to my Earth Day comments and the Superfund Program. One in every four Americans, 70 million people, including 10 million children, lives within 4 miles of a Superfund site as we sit here today.

During its tenure in office, this administration has cut cleanups of those sites from 87 per year to 40 per year while refusing to fully fund the program.

Superfund is experiencing a funding shortfall of up to $800 million. This President Bush is the first President in history to oppose the ''polluter pays'' fee. His dad supported it, Ronald Reagan supported it, and Bill Clinton supported it. This was a consensus until now.

What does it mean when you do not have the polluter fee? It means the taxpayers, not the polluters, pay for the cleanup.

I will show how many Superfund sites we have in the United States: 1,239. As this chart shows, the sites are in almost every single State. Maybe a State or two escapes, but not many.

In 1995, polluters contributed 82 percent to the Superfund trust fund. As of October 1, 2003, the trust fund had no money collected from polluters. This means we will never be able to clean up the most hazardous wastesites. Do you know what has happened to this budget. When the keys were handed over in the Oval Office from Bill Clinton to George Bush, he had a surplus as far as the eye could see. It has been reckless over there. We now have deficits as far as the eye can see. It is a very anxious time in our country. Is this the time to now say to polluters, ''Don't worry, you don't need to pay a fee. We have enough money in the tax coffers to cover your problems?''

We all love to tell people, ''You don't have to pay taxes.'' That is the greatest thing for any of us to do. But of all the times to tell polluters, ''You don't have to clean up your room anymore,'' this is not the time.

My mother taught me: If you make a mess, you clean it up. I find myself quoting my mother more and more the older I get. She said other things like: Don't go where you're not wanted. She said a lot of smart things to me that I hold close to my heart. One thing is: Clean up your mess. She was talking about me when I was a kid in my room. I am talking about polluters, the messes they have made.

So where are we now? We are in a situation where we have reduced the cleanups. Let's look at it graphically on this chart. Through 2005, we are going to see 40, if we are lucky—and no money. And when Bill Clinton took office, the cleanups increased. But George Bush has radically decreased the pace of cleanup from former administrations, that is for sure. He has not gotten back to this level as shown on the chart.

But look at where we are now. Whether you look at the Superfund sites, whether you look at air pollution, whether you look at safe drinking water, whether you look at mercury, whether you look at global warming, whether you look at deep cuts in enforcement, whether you look at perchlorate, which they refuse to set a standard for, whether you look at the changes of the Sierra Nevada framework, we are hurting the environment and the people of this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I yield the floor and hope all of us can work together on this Earth Day to change things around here.

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

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

Mr. REID. Mr. President, will the Chair notify this Senator as to how

much time is left on both sides for morning business?

The PRESIDING OFFICER. On the Democratic side, the time has expired. On the Republican side, the time is 5 minutes 45 seconds, and counting.

Mr. REID. I say to the Chair, I will just wait until we get to the motion to proceed. I assume, because I certainly cannot yield back the Republican time. It is my understanding the Presiding Officer wishes to speak at some time.

The PRESIDING OFFICER. The Presiding Officer was going to speak if somebody was going to relieve him.

Mr. REID. I would be happy to relieve the Presiding Officer.

The PRESIDING OFFICER. I appreciate the offer, but I will continue to preside until our time runs out.

Mr. REID. I will just let the time wind down then, and we will get to the bill in 5 minutes.

I suggest the absence of a quorum, Mr. President. I understand the time would run evenly, but if we have no time left, it would just run; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I withhold that. Probably it would be best to ask unanimous consent that the Republican time be reserved and I be allowed to speak for whatever time I may consume.

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

Mr. REID. If the majority wants more time, consent could be easily obtained.

GASOLINE PRICES

Mr. REID. Mr. President, I want to talk about gasoline prices in the country and in Nevada. This is a terribly difficult situation. It is a story about the wild west, but it is not about Wild Bill Hickock or cowboys or mining or claim jumping. It is about gasoline. Some refer to it as black oil.

This chart illustrates how the gasoline prices in Nevada have skyrocketed. The prices are as of April 5. Prices now are at least 5 cents higher. I was in Nevada last week. Gas prices were approaching $2.50 a gallon in some locations. This has been a burden on the people of Nevada and visitors who come there. The average price on January 5 of this year in Nevada was $1.64 a gallon, which was pretty high compared to the rest of the country. But now it is much higher. This chart, as I have indicated, is as of April 5. We have had an increase in the State of Nevada of about 50 cents a gallon. We can't keep up with the increases in the price with our charts.

This is outrageous. Let me put it into perspective. In a truly bipartisan spirit, the Senate passed a $318 billion highway bill. The bill would create at least 1 million jobs, rebuild and improve our transportation system, and provide a tremendous boost to the economy. In the House of Representatives, Chairman YOUNG proposed a highway bill with a price tag of $375 billion. The White House opposes Chairman YOUNG's proposal to add 5 cents in taxes to a gallon of gasoline and to index future tax increases to inflation.

Meanwhile, the oil companies have gouged—I use that word purposely—consumers by 10 times the amount of what Chairman YOUNG proposed for an increase in the tax, a half dollar a gallon.

This is ironic. The President doesn't want Americans to pay more at the pump, does he? There is no way the administration can shake the mantle they have assumed of being close to the oil industry. Both the Vice President and the President have been in the oil business. We have been litigating for 3 years whether the Vice President has to disclose who he met with, when he met with them, and what he talked about; that is, the oil companies. He has fought this every step of the way. He has fought it through the court system. It is still going on.

Then there is the fact the President won't call upon Saudi Arabia to increase their supply unless, according to Bob Woodward and his book, the President makes a deal with Prince Bandar to do this in September when it would have more of an impact on the elections. Time will only tell. I would hope if they have made an arrangement with the Saudis, they will start doing it now rather than wait until September.

Nevada gets all of its gasoline from California, so any problem with supply in California is a problem for Nevada. There has been a lot of talk and a lot written about the tight California gasoline market, where prices are typically 20 to 30 cents above the national average. We hear about the lack of refineries. We hear about boutique fuels and reduced inventories contributing to higher prices. I am sure each one of these has some bearing on higher prices. All of these things I have talked about need to be addressed.

I met with the Chairman of the Federal Trade Commission. There are reports there are as many as 300 separate boutique fuels. He thinks there are around 100. But there are lots of them, and that could be a problem. We realize the need to reduce the number of specialty fuels.

We also hear about supply and demand. One thing I have been pushing is something the first President Bush did and President Clinton did, and that is to release oil out of our petroleum reserve to bring up the supply to reduce prices. I know the law of supply and demand cost Nevada ratepayers nearly $1 billion during the western electricity crisis 3 years ago. While Enron was reaping windfall profits—and there must be a better name for that than windfall profits; it was even bigger than windfall profits—it told consumers it was all a matter of supply and demand. But, of course, it turned out Enron was really manipulating the supply. So it wasn't supply and demand.

Based on this bitter experience which is still being litigated in the courts, I was concerned Nevadans might be getting ripped off again when gasoline prices went through the roof this year. I asked the Federal Trade Commission, along with Senator ENSIGN, to investigate these wild price increases, particularly with an eye toward any possible manipulation in gasoline markets. I needed to assure the citizens of Nevada that gasoline markets were operating fairly and not being manipulated to maximize the profits of oil companies.

It is easy for domestic oil companies to boost their profits by squeezing the supply of gasoline. A combination of refinery capacity reductions and corporate mergers has concentrated control of prices in only a handful of companies. Again, this chart shows how prices have risen steadily in Nevada since the first of the year.

A major spike occurred in February 18, due to a power outage at the Tesoro refinery in northern California that supplies 20 percent of the refined gasoline to that region. In a matter of days, prices in Nevada topped $2 a gallon. The refinery came back on line only a week later, and the supply was restored. But as the chart shows, prices at the pump didn't recover. They had a power outage that slowed that refinery for a week. Prices skyrocketed. The refinery came back on line. Prices stayed high. Actually, they went higher. Prices at the pump didn't recover. Families were still paying an extra half dollar a gallon every time they filled their tanks.

So in case anyone is worried about the impact of a refinery shutdown at Tesoro, they can rest easy. Refiner margins of profits were 70 cents higher a share this quarter; 60 percent higher than analysts had expected. The stock at Tesoro is at a 52-week high.

Let me show another chart, the price of a gallon of gasoline in Nevada. Here is where we arrived at $1.64. The bottom number is important: Crude oil price, 77 cents; refiner margin, that is cost plus profits, at a quarter; dealer margin, 10 cents; taxes, 52 cents. That is the way it is. There's ample profit for the oil companies at $1.64. Anything above that is just additional profit.

In order to understand what drove gasoline prices in Nevada to record highs and why they stayed high even after California refineries temporarily reduced their wholesale price, we need to understand what goes into the price we pay at the pump for a gallon of fuel. As indicated, this chart shows the price of a gallon of gasoline has four main components: cost of crude oil; refiner's margin, which is cost plus profits; the dealer's margin, which is cost plus profit; and fuel taxes, both Federal and State. We must pay attention to the word ''profits.'' It figures big in this discussion.

The chart shows the typical numbers we have come to expect in the Nevada

gasoline market. Crude oil, let's say 77 cents, or $32.34 a barrel; refinery margin, 25 cents; dealer margin, 10 cents; and taxes, 52 cents. These are prices we might expect, but they are already too high because of the extremely high price of crude oil.

Nevada's gas prices are the third highest in the Nation behind Hawaii and California. I am sure we are gaining on them. So these are locked in prices.

Let's go to chart 3, which shows that the latest Nevada gas price increases are not caused by taxes or crude oil costs. Taxes are constant. Crude oil varies only by a small margin. Crude oil used in California refineries is 64 percent from the Alaska North Slope. The majority of our oil doesn't come from Saudi Arabia. So if you look at the contribution of taxes and crude oil to the price of a gallon of gasoline in Nevada during the first 3 months of the year, taxes are constant at 52 cents a gallon, so that does not contribute to a 46-cent increase since the first of the year.

According to data supplied by the California Energy Commission, the price of crude oil acquired by California refineries varied by only 8 cents over the first 3 months of the year, from 78 cents to 86 cents a gallon. That is equivalent to crude oil prices varying by about $3 per barrel.

The reason that price doesn't vary much is the California refineries get 64 percent of their crude oil from the Alaska North Slope and the California fields. So they don't feel the full impact of the more volatile OPEC or west Texas intermediate crude markets.

There is no doubt that the price of crude oil has contributed to higher gasoline prices in Nevada and throughout the country in the last few years. However, it is not the reason why west coast gas prices have skyrocketed in the first 3 months of the year.

If we subtract the 8-cent increase that can be attributed to crude oil, we still have to explain a 38-cent increase in the price of gas. The number I use is smaller than what the real price is in Nevada. These are as of April 5. As I have indicated, they are at least a nickel higher now. That leaves us with dealer and refinery margins, or what is referred to as the domestic ''spread.''

(Mr. ENSIGN assumed the Chair.)

Mr. REID. I also alert the Presiding Officer that prior to the Senator from Nevada becoming the Presiding Officer, I mentioned his name regarding a meeting we had with the Chairman of the FTC.

I would like to go down to chart 4. It is easy to determine refiner margins, which is simply refiner costs plus profits. You simply take the published spot or wholesale price of gasoline and subtract the price of crude oil. I have chosen the spot price in Los Angeles because L.A. supplies the Las Vegas market.

Bear in mind that the cost of refining oil into gasoline will vary by only a few cents. Like taxes, it is pretty much a fixed cost. Consequently, any increase in the refiner margin is actually an increase in profits.

The April 5 Oil Price Information Newsletter, a publisher of industry data, says California fuel blends averaged $10.80 a barrel over crude during the decade.

That is a historical refiner margin of 26 cents for every gallon of gas.

So this chart shows that the refiner profits have recently peaked nearly 50 cents above that historical level.

These estimates are conservative. They are actually lower than the estimates of the California Energy Commission.

Can you imagine these profits? Take the normal profit that a refiner makes on a gallon of gas; now add another half dollar to every single gallon. Nevadans use 2.3 million gallons of fuel a day. Area-wise, it is a very big State. Many people have to drive long distances to get to their jobs—I will read letters indicating that is the case—or they take their kids to school.

When you figure the refiners are making an extra 50 cents of profit on every gallon of gasoline purchased in Nevada, Nevadans alone are paying an extra $1.15 million every single day, or almost $35 million a month—$35 million a month just in the State of Nevada. If ''outrageous'' is not a strong enough term, I don't know what term to use. If this isn't price gouging, it doesn't exist anyplace in the world.

I am for free markets. But it is not a free, competitive market when refiners can exercise this degree of control and manipulation over the supply and the cost of something that is not a luxury but a necessity on which every family must depend.

People have to put fuel in their vehicles. They have no choice. Is the California-Nevada gasoline market truly competitive when the wholesale price of refined gasoline is largely controlled by what a few refiners are willing to sell for and what the markets are forced to pay?

It looks to me as if the market has been manipulated and consumers have been gouged. If you think the worst is over, think again. The spot and refiner profits increased again in early April.

Mr. President, my information, from which I prepared these remarks, and this chart, go back to April 5. It is now the 21st and prices are higher. I returned, as I have indicated earlier, from Nevada and prices there are approaching $2.50 a gallon for some fuels.

Let me go to another chart. This will detail and outline refiner profits. I believe this chart will clearly show that refiner profits drove gas prices in Nevada to $2 a gallon. On this chart, I am simply adding the refiner margin data. It is clear that prices in Nevada were driven to $2 a gallon on a wave of refiner profits. Keep in mind, $2 a gallon doesn't do the trick anymore. If this chart were as of today, we would be up here, the next line on the chart. But we will use this chart for illustrative purposes.

It wasn't taxes; those don't change. It wasn't the cost of crude; that only went up 8 cents a gallon. It had to be refiner profits. There is nothing left.

There is the one last question to be answered: Why have prices remained high, even as refiner profits returned to more normal levels during the first couple weeks of March? Refiner profits dropped a full 30 cents. Why no relief at the pump?

That brings us to the dealer margin, the fourth and final component that determines the price of gasoline.

This last chart I wish to talk about shows that dealer profits added to refiner profits led to a sustained $2.10 per gallon at Nevada pumps. Again, dealer profits added to refiner profits led to a sustained $2.10 per gallon at Nevada pumps. The historic margin is 35 cents. Again, I repeat, they are even higher now by as much as 4 or 5 cents a gallon than they were before. So it is very clear what this shows. Dealer margin is the cost to acquire, store, and sell gasoline, plus profits. This chart shows that dealer margin takes a beating when the refiner rapidly increases spot or the wholesale price of gasoline. The dealer needs to pay up front to acquire fuel before the gasoline makes it to the marketplace.

Once this gasoline is distributed, dealer profits increase dramatically and sustain the price of gasoline at the pump. During March, dealer profits rose to 35 to 40 cents a gallon in Nevada. That is two or three times the historic levels of 10 to 15 cents a gallon.

The combined total of refiner and dealer profits has kept the price of gasoline in Nevada at an astronomical level.

If the wholesale price stays down long enough, the hope is that both dealer and refiner profits will retreat to more normal levels. That is not the case, unfortunately.

Refiner profits are spiking again, and we can expect another round of sustained high gas prices.

Make no mistake, this is a win-win deal for refiners and dealers. In the gasoline business, they say prices shoot up like a rocket and float down like a feather. This is the dynamic that keeps the price of gasoline high, and enables refiners and dealers to gouge consumers.

Let me show you what is on the next chart. I want to be able to show that Nevada gasoline prices are clearly driven by refiner and dealer profits.

This bar chart summarizes the four components of the price of gasoline in Nevada during the first 3 months of the year—a gallon of gasoline would be more specific. It shows that dealer and refiner profits increased the price of gasoline in Nevada from $1.64 to $2.10 per gallon since the first of the year.

With the recent increase in the spot price in early April, we can expect a new round of increases in refiner and dealer profits. The roller coaster ride

of gas prices is becoming a ratchet, moving ever higher, threatening the fragile budgets of working families.

We picked out a few letters I received in my office. I will read only a few of them. Here is one:

I filled up my gas tank today and prices were $2.18 per gallon for the mid-grade fuel. This is just not acceptable any longer. I am a single 58 year old female who is working for ridiculously low wages at UNLV and living on extremely limited budget. Between the cost of medications, heat, communications, and other living expenses, now I can't afford to even get to work. Please, please, please do something to stop this now. A constituent from Las Vegas.

I am going to read part of another letter, but it is sad, to say the least:

Senator Reid: I have had to cut my grocery budget by $100 per month, and we're already eating cereal for dinner, 28 cent macaroni and cheese, and hot dogs. We also eat hamburger when we can afford it. It cuts into the lunches I have to provide for my children since no school lunch program exists at Virginia City, and I need to insure that my daughter has a decent lunch . . . in her lunch pail.

This is the same person:

There is something very wrong with our system when our President fails to act on behalf of the American people. Protecting us against terrorism is only part of the job. When he fails to act changing the entire American way of freedom, choice, and an affordable living, then he's not doing his job. Somebody needs to get off their duff and do something about the gas prices, production, and our being held hostage by OPEC and the Oil Companies. . . .Do something to help us, so that single parents like me don't have to put our children's lives and futures at risk by having to move closer to our jobs and all because of gas prices.

This is signed by a constituent from Dayton, NV.

Another letter:

This is about gas prices. Is there anyway that you can work a little faster on this? My husband works at Primm, and it costs us now $100 a week in gas. We were trying to save $20 a week since he got a pay raise. We have a family of 5 and he is the only worker. We are in debt because they don't give a lot in pay raises, and when they do, it seems like the phone company, electric, gas, and anyone else says ''we need extra money.'' You give them all that they need, but the poor people trying to make it on 1 income or even 2 are getting screwed. We watch every penny and it seems to be gone. We are having to make a hard choice of what not to buy at the store. We already don't go out to the movies or anywhere else. I can see why President Bush doesn't do anything about the gas prices, since he has an interest in his cut. Thank you for your time. A constituent from Las Vegas.

Another constituent from Las Vegas:

Thank you so much for looking into the gas price increase. This has been a very big concern for my husband and myself. We are a large family and my husband works out at one of the state prisons. This means a 120 mile round trip every day. . . .If gas prices increase like they are this is going to hurt our family a great deal. It in turn could hurt our state as he is a 13 year state employee, this could mean looking for another job in town. I do hope and pray you are able to help our state with this crisis.

Another letter:

Dear Senator Reid: I currently reside in Las Vegas, NV. I am disabled and live on a fixed income. I am writing you today outraged by the ever growing cost of living we face here in Las Vegas. Every day the price of gasoline continues to rise, while large oil companies like Exxon Mobile and Chevron Texaco are recording breaking profits, I hate to say on the backs of the average citizens in this country. I have heard all of the stories of fuel shortage due to the harsh winter in the eastern United States, the blockage of shipping lanes, and the list could go on and on with excuses. This still does not explain these record profits. No other segment in our economy, especially the small businessmen, experience this rate of profit. Costs continue to rise from gasoline, to utility cost, to grocery bills, while incomes are not rising. The middle class is slowly being eroded with all these rising costs.

Signed by a constituent from Las Vegas.

This is a small smattering of the letters we have received. I have asked, along with the junior Senator from Nevada, the Federal Trade Commission to look into possible market manipulation and price gouging. After 5 weeks, the FTC responded to us by saying prices in Nevada were ''unusually high'' and above predicted norms. An informal FTC investigation is still looking into the cause of the price spike, but they are having a hard time showing collusion and market manipulation.

I do not need an investigation to tell me big oil profits have soared at the expense of working families. We all understand the forces of supply and demand, but in the gasoline market, control of the supply is concentrated in a handful of oil companies and dealers. Seven oil companies control 94 percent of California's gasoline production, so they can push prices up faster and keep them higher than they would be in a competitive market.

These markets are not competitive because they provide no incentive to refiners to maintain adequate supplies and physical infrastructure. Every accident, power outage, pipeline break in the market triggers a price shock, and profits mount.

The structure of this industry allows price manipulation at the pump. These charts show how refiners and dealers manipulate markets to sustain high, exorbitant gas prices. If this is not anticompetitive, it is certainly anticonsumer. The profits of oil companies are at record levels. I am sure this makes their shareholders happy.

The FTC has been AWOL, like FERC was a couple years ago during the electricity crisis when consumers were ripped off. As a nation, we need to demand both the supply and demand of this equation to promote a truly competitive market.

On the demand side, we have to increase the fuel efficiency of cars. That is very long term. We need to promote public transit. That is long term. But in the short term, we need to have this administration weigh in against the OPEC nations and do what they can do to have the OPEC nations produce more oil. They have turned the spigots down. They have done it openly. I hope the reports in the Woodward book are false. I hope the President would not enter into a deal with Prince Bandar in saying we are going to increase the supply of oil in the fall. I hope that is absolutely false. But I do say the President has to exert more pressure on our so-called allies to produce more oil. That is short term.

What also needs to be done on a short-term basis is we need to start releasing oil from our oil reserves. As I stated before, it was done by the first President Bush and it was done by President Clinton. This President needs to do the same.

In the long term, we need to increase the use of alternative fuels and renewable energy resources, but we must also provide for true competition in the oil and gas markets.

Oil companies have little incentive to build or improve their infrastructure and increase their inventories. They can simply dominate tight markets where any disruption allows their profits to soar.

Through use of the Strategic Petroleum Reserve or some other mechanism, oil companies should be required to maintain adequate stocks of crude and refined product to prevent price spirals.

At the very least, we should not be filling the Strategic Petroleum Reserve when markets are not able to meet consumer demand at reasonable price levels. Any rapid price increase should draw immediate and intense public scrutiny and trigger investigations.

Energy in America is essential to the well-being of our Nation and its citizens. This is part of our Nation's security, to have adequate energy. Remember, the United States of America, even counting what may be in ANWR, would only have 3 percent—in fact, it is less than 3 percent—of the oil reserves of the world. We cannot produce our way out of our problems. Ninety-seven percent of the oil in the world is someplace other than the United States.

The citizens of the State of Nevada have been rocked with a one-two punch over the last couple of years by manipulation of the electricity market and now the gasoline market. This cycle of price gouging must stop. Even in the wild, wild west, we have to make energy markets operate properly.

Mr. President, I express my appreciation to the Senator from Wyoming for his courtesy in allowing me to go before him.

How much time is remaining for the majority for morning business?

The PRESIDING OFFICER (Mr. ENSIGN). Four minutes fifteen seconds.

Mr. REID. I say to my friend from Wyoming, he has 4 minutes 15 seconds. Does he need more time?

Mr. ENZI. Mr. President, yes, we should get an equal amount of time in order to respond to what the Senator from Nevada said.

Mr. REID. When I spoke, I indicated I would be happy to agree to that. Would the Chair indicate again how much time I used?

The PRESIDING OFFICER. The Senator used 29 minutes.

Mr. REID. I ask unanimous consent that the time for morning business on the majority side be extended 29 minutes.

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

The Senator from Wyoming.

WAR IN IRAQ

Mr. ENZI. Mr. President, I thank the Senator from Nevada for his courtesy and his previous offer to let me speak. I am glad to have this opportunity to talk about a number of things that have come up today. We have talked a little bit about the war in Iraq. We have talked a little bit about the environment because Earth Day is tomorrow. We have talked a little bit about overtime and we have talked a lot about energy. I am going to cover those topics as well as some other things that need to be known.

I am going to start with the war in Iraq because last week I had the opportunity to go with Senator SESSIONS and Senator CHAMBLISS to visit NATO and then to go into Germany and to visit with some of the troops that have been wounded in Iraq. Some of them have been wounded very severely. In fact, those who are not severely wounded do not leave Iraq. There are hospitals in Iraq that take care of them and then get them back into the fray. Those who have been injured worse are flown to Landstuhl Hospital in Germany where they are stabilized, treated, and then sent back to the United States for more treatment.

The three of us had an opportunity to visit that hospital. We split up into three groups so we could talk to more of the soldiers. We thought we would be able to perhaps pump them up a little bit after what they had been through. Quite the reverse happened. They pumped us up. It was a tremendous experience.

These people, men and women, to a person said: We are making a difference in Iraq. We know the people over there, we know our job, we are doing our job, the people are responding to what we are doing, and we are making a difference.

The other side is so worried that they are bringing in people to take us on. Every one of them wanted to be patched up as fast as possible and go back to help their buddies. They knew what the job was. They knew the people there. It was tremendously inspirational.

The next day we went to an Army training base that a lot of U.S. soldiers in the past had been assigned to and are still assigned to, but they have been moved to Iraq. They have been assigned to Iraq and they had just been on another overseas assignment, had been back about 8 months and were assigned to Iraq. Some of the spouses there had had husbands extended in Iraq. We wanted to find out what they were feeling, what they were thinking. It was a chance to visit with them, and so we did.

Again, we were the ones who were encouraged. I remember one of the spouses explaining that part of the job of a soldier is to watch the back of his buddy, and when some of the troops are pulled out prematurely there is nobody to watch somebody's back. Then the lady said: If my husband was the one who had to stay and somebody got pulled out, I would not be able to take it. So if my husband is the one who has to stay to protect somebody else, that is their job. That is what I want him to do. That is what he needs to do. That is what will make the difference.

What I noticed at both of those meetings was that other countries of the world say the reason we are the most powerful country in the world is because of the money we spend on being powerful. Some people would say it is because of the technology we have developed that makes us more equipped with more advanced things than any other country in the world. Both of those play a small role, but what makes the difference between the United States and the other countries is the people of this country, the young men and women who are serving in our Armed Forces—their dedication, their innovation, their ability to think, their ability to react, and their patriotism.

Then we have another secret weapon, and that secret weapon is the spouses and the families who are praying for and supporting the troops. That is a force other countries cannot reckon with, and we should be so appreciative.

I want to mention one other thing that might seem unusual. When we were meeting with one of the generals, the general prayed. Now, I am not sure that is acceptable under the Constitution as it might be interpreted by some judges, but he prayed. He knows that will make a difference.

One of the things that occurred to me while he was doing that is we often almost always remember to pray for our troops, but I think we probably ought to be praying for the opposition as well. We ought to be praying for the opposition to soften their hearts, for the opposition to realize what is happening in the world and the role they are playing. Praying can make a difference, and it is up to all of us to try that, with faith, and see if it will not support these admirable troops, their spouses, and their families.

EARTH DAY

Mr. ENZI. I will switch to another topic now. Tomorrow is Earth Day and all of us are concerned about the future of the Earth. We are concerned about the environment, and we are concerned about the activities that happen in that environment. Earlier there was a comment about wilderness areas and how wilderness study areas can be violated.

I need to address this wilderness study issue because Wyoming is the only State in the Nation that negotiated its wilderness areas years ago. We wanted to get that figured out. We wanted to protect vast areas, and we did. There is always the recommendation that there be additional wilderness study areas, and we do not have any problem with that, with a small caveat, and that is that the wilderness study areas are often areas that are being used as part of the economy of our State. They are already areas that have had development.

Do my colleagues know what happens when they go into a wilderness study area. They go into an indefinite period of being studied with nothing being allowed to happen on that land. The things that were already happening cannot continue. It moves back to a primitive state, with no activity, for an indefinite period of time.

There are some wilderness impact study areas that have been looked at for 20 years. Do my colleagues not think a decision ought to be able to be made in less than 20 years? There might even be some out there that are longer than that.

The fear of people whose economy relies on an area that they have already been using is it will be designated a wilderness impact study area and they will lose their right to use it for what they have been earning their living at, for years, while it is not being studied. That is a crime.

Another problem we have is it is a big country and things tend to be one size fits all. For instance, I just saw an ad in the paper asking people to send money to help preserve wolves. It was a glorious ad. That is what ads are. They are to sell people on doing things. But they only tell one side of the story, and I hope before people send their money they will check with areas that are being impacted by a wolf population. It has a little bit to do with our Endangered Species Act.

The Endangered Species Act is a Federal policy. It has to be. This is a vast country and we try to save things all over—and we need to. But it is an unfunded mandate for States, for counties, for towns, and particularly for individuals. That is against the law, to put unfunded mandates on the States, the counties, and the people, but we do it with the Endangered Species Act.

Right now, Wyoming's wolf program costs about $1.2 million a year. That is coming out of the Wyoming pocket; that is not coming out of the Federal pocket. There are county expenses involved in it that are not being paid for by the Federal Government. There are individuals who can no longer use their land, they can't make the living on their land they were making because of a Federal policy. Do we pay them anything for that? No, we don't. We should. There are definitely laws about

takings, but the Endangered Species Act has not adjusted to that.

Just today, in the Wyoming media, there was an article about the failure of the Feds to list the Colorado River cutthroat trout. So far none of the cutthroat trout has been listed as endangered. We have been doing a job in Wyoming of replacing them in traditional streams where they have been. In fact, in Saratoga, WY, we killed off a huge brook trout population and replaced it with cutthroat trout which were the native trout of that area. The people were a little disturbed to find out that the Colorado cutthroat doesn't grow as big as the brook trout which they were used to fishing. The whole stream was poisoned out and these other fish were put in, and they were prohibited from using any fish in this river for a number of years. Most of the people I know do catch-and-release fishing, but there can be fish killed doing that. Under the Endangered Species Act, that would result in Federal action against the fisherman.

I am hoping the fishermen of the country are paying attention, as they are talking about listing some of these endangered species. The fishermen of this country have been doing a marvelous job of making sure species are preserved.

I will tell you an interesting little story. There is a fish hatchery near Saratoga. It doesn't have brook trout or Colorado cutthroat trout in it; it has lake trout in it. How did they come to get in the lake trout business in Wyoming? A number of years ago, some lake trout were caught out of the Great Lakes. They were transported by rail to Montana. They were backpacked into Yellowstone and planted in a lake there and they grew well. Eventually the lake trout in the Great Lakes had a problem. They died off. Where did they go to replace them? We built a hatchery in southern Wyoming. We caught lake trout out of Yellowstone Park, put them in this hatchery, raised them to maturity and got eggs, grew some of those, took some back in the form of eggs and planted them in the Great Lakes. So the loop of preservation was provided by the State of Wyoming.

That is the way species have to be provided for, not by prohibiting and stopping, through regulation, people from being able to use what they have traditionally used. The fishermen are some of the people who are working to overcome this.

There is a little animal called the black-footed ferret. It was extinct. You would think that was supposed to mean there weren't any around. They found some in Wyoming. A little while after they discovered this animal still existed, they found out that a number of them were being wiped out by a plague. The State of Wyoming went in and trapped all of the rest of the black-footed ferret, and the State of Wyoming built a special facility to raise them and try to get as much cross development as possible. Today the black-footed ferret has been planted back in rural areas of the western United States. It has made a huge difference. But that was all done at Wyoming expense; that was not done at Federal expense. Something needs to be done about the Endangered Species Act.

ENERGY

Mr. ENZI. Mr. President, I want to talk a little bit about energy. We have regulated ourselves out of business. We have regulated ourselves to higher prices. We have regulated ourselves so the source of our oil is in the Middle East.

In 1973 we had a crisis. Senator Hansen was the Senator from Wyoming who held this seat. I had him speak to a Wyoming Jaycees session about what was happening when we got cut off from oil in the Middle East. Beginning then, Senators were saying we needed to do something so we would never have an oil crisis again, that we could not be dependent on the Middle East.

I think we were at 35 percent use from the Middle East at that time. We are now at 60 percent use from the Middle East. They hold us in the palm of their hand for our money. Our money is sponsoring whatever happens in the Middle East. They don't base the price on true supply and demand. They control the price.

I once got to meet the fellow who determined how many barrels they ought to ship, to raise the price or lower the price. Lower the price, you say? Yes, lower the price. If you lower the price drastically you can drive production in the United States out of business. They have done it twice. They have driven it out of business. What happens when the price shoots back up and we buy more oil from them? The U.S. production cannot recover because the people who used to be in that business had to find other work. Finding trained people in that business, to do what they had been doing, is impossible. That is how the Middle East has manipulated us twice that I know of. I think they do it, on a much more minute basis, on a regular basis now.

Earlier there were some numbers over there on a chart. It showed 77 cents as the cost of a gallon of crude oil. Then it showed manufacture, and it showed the filling station—manufacture at 25 cents, filling station at 10 cents, and Federal taxes at 52 cents, which came to $1.64, which was listed as the fair price for a gallon of gas.

I love to get into the numbers because I am the only accountant in the Senate. That is based, I guess, on 42 gallons of oil to the barrel. But 42 gallons at the current price would be 88 cents a gallon, not 77 cents a gallon. But that is based on the whole 42 gallons being able to be made into gasoline when in fact you end up with 19.4 gallons—yes, less than half of what was in that barrel actually is able to go into your car gas tank. So instead of 88 cents—well, there are byproducts they get to sell, too, and that is how they are able to hold it down, I guess.

I want to comment a little bit on the 25 cents, the 25 cents that goes to the refiner. The 25 cents that goes to the refiner is not profit. Boy, I bet they wish it were. The 10 cents that goes to the filling station is not profit. That is the difference between what they buy it for and what they sell it for. All of them have to provide employees, they have to provide facilities, and they have to pay taxes. So there are a lot of costs that go into it.

Particularly with the refinery again, we need to have regulations to make sure we keep our environment clean, but we have to be sure what we are doing is what really needs to be done. Nobody is building a refinery in this country anymore—nobody. In fact, we are reducing the number of refineries, which means we are reducing our capacity to provide what needs to be provided, and at the same time we are saying there have to be a whole bunch of different kinds of gasoline.

These gasolines are going to be designed which means they are more complicated for particular parts of the country. If you keep doing that, you keep driving up the price. That is part of the 25 cents that the refiner has to use. The more you increase the cost and reduce that 25 cents, the less gas you are going to have in this country.

I was out in California a while ago. The Senator from California was making some of these speeches.

I have to say I don't think you have seen anything in the way of an energy crisis yet, unless we can do something with an energy bill.

I was out in California. As you go from Las Vegas, you will see this real dark cloud that appears. That is coming from California. When I was there, I found that they have a pooling lane for high-occupancy vehicles. You need two people in the car to be a high-occupancy vehicle. I have never driven on a wide road like that in Wyoming, but out there they have five and six lanes. One of those lanes is saved for people who carpool. I think it was rush hour. I can tell you that the other five lanes were jammed with traffic. They weren't going anywhere. My wife and I in our car constituted the two and we could use the pooling lane. We just zipped right through. It was absolutely amazing.

But I thought I must be seeing half of California's population stalled, creating pollution and not carpooling like they are suggesting the rest of us ought to do.

There are some things that can be done, which need to be done and hopefully will be done.

But you haven't seen anything in the way of energy prices, if we don't get a national energy policy and don't get some reliability as to what we have in the United States.

We have been touting natural gas as clean fuel, and it is. But there is only

one State that has an increase in the amount of natural gas it is producing. That is Wyoming. The rest of them are declining.

Let us see what happens if the use slows up and the supply goes down. Oh, the price goes up. You could be seeing the lowest prices in energy that you are ever going to see if we could use some of that U.S. ingenuity and figure out ways to make hydrogen out of the coal or other things. But I do have a lot of faith in U.S. ingenuity, provided we don't regulate them out of business.

OVERTIME

Mr. ENZI. Mr. President, I will take 1 last minute to thank Secretary Chao for the work she did on overtime. We had a lot of discussions about the proposed overtime rule that was put out for comment. What you saw on this floor was an action to try to stop reviewing the 80,000 comments that have come in. We allowed her to look at those 80,000 comments. I commend the Secretary for the work she did in paying attention to what people were saying. We don't see much of that in the Government, but the Department of Labor, under Secretary Chao, took a look at what people have been saying and made corrections in the rule before the final rule was published.

She raised the amount to the maximum. We had already raised the amount on the minimum. She made sure that first responders would not lose overtime; that nurses would not lose overtime; and that veterans trained and going into the job force would not lose overtime.

I commend her for reading those 80,000 letters. I commend her and the Department for taking the corrective action. Doing the process makes a difference. She did the process and she made sure they responded.

I yield the floor. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Alaska.

THE ROTATION OF U.S. FORCES INTO AND OUT OF IRAQ

Mr. STEVENS. Mr. President, I rise today to inform the Senate of an undertaking that has, in my view, not received adequate attention in the press or by the American public. This undertaking has required tremendous planning, and has been on a massive scale.

As the news from Iraq dominates our attention, an important and notable success story has gone largely unnoticed. I refer to the massive troop rotation in the Iraq theater that is now nearing completion by our Armed Forces. This is the largest U.S. troop rotation since World War II—more than 250,000 U.S. service members have been involved.

Planning for this rotation of forces in Iraq has been underway for many months. The meticulous quality of that planning, the absolute attention to detail by thousands of military planners, logisticians, and transportation specialists has resulted in a near flawless rotation of forces.

Consider for a moment the sheer size of the logistics effort involved in rotation over a quarter million combat troops, in mobilizing them, in transporting them by sea or air, supplying them, and in simply keeping them sheltered and fed. And now, consider doing all of that in a place that is nearly half a world away, and at the same time, continuing the pace of military operations and combat in Iraq, without skipping a beat.

New units began flowing into the region in December of last year, and to date, over 95 percent of the service members deploying to Iraq have arrived in the region.

I would like the Senate to consider some of the facts and figures for the deployment and redeployment, or return, of forces in that area.

Over 900,000 short tons of equipment and supplies have been shipped to support operation Iraqi Freedom.

Over fifty-seven sealift ships have sailed, delivering more than 426,000 short tons into theater, and 13 ships have returned 88,000 short tons back stateside.

Nearly 3,000 airlift missions have been completed, and over 63,000 flight hours.

Ninety-seven thousand soldiers scheduled for redeployment have returned home from Iraq.

Over 91,000 reserve component soldiers were mobilized for Operation Iraqi Freedom 1, and over 54,000 for Operation Iraqi Freedom 2.

Last month I was privileged to travel to the Central Command Theater to see first hand the magnitude of this effort. I traveled with my good friends the chairman of the Armed Services Committee, and JOHN WARNER, and the senior Senator from South Carolina, FRITZ HOLLINGS. We saw our forces in Baghdad and in Balad, Iraq and traveled into Afghanistan to visit our forces there.

I simply cannot say how absolutely impressed we were with the fighting spirit and combat power displayed by these young Americans.

We spent some time with the 1st Armored Division in Baghdad, and MG Martin Dempsey's absolutely impressive forces. General Dempsey's forces are providing stability and security in a dangerous part of Baghdad. They know they have an important mission. You could see the dedication and courage in each of their faces. They know why they are there.

We also spent some time with Joint Task Force 180, in Baghram, Afghanistan. MG Lloyd Austin, a really impressive commander of the 10th Mountain Division. His soldiers are pursuing Taliban and al-Qaida remnants in the mountains of Afghanistan. His forces, too, are remarkably bright and dedicated young men and women. Spending time with them was inspiring to us all.

We had planned to visit the 1st Battalion of the 501st Parachute Infantry Regiment from Alaska. They are deployed to Khost, Aghnanistan, in the rough mountains near the Pakistan border.

Unfortunately, an aircraft malfunction required that we change planes, and that delay meant we were unable to make that stop to see those Alaskan forces. We are terribly proud of them and all of the forces there around the country in that area.

My friends and I also went to Kuwait and saw forces moving into and out of Iraq. Kuwait is where much of the logistics operation for the troop rotation is based. The level of this effort is nothing short of remarkable to see.

In Kuwait, we visited with troops from the 4th Infantry Division, the division that captured Saddam Hussein, as they were moving home and preparing their gear for return. We visited with these troops at the ''wash rack'' where each vehicle is cleaned from top to bottom before returning home so there is no contamination from the wartime area.

It takes nearly 8 hours to fully clean a vehicle of all the dirt, sand and wear that accumulate. Dozens of these wash racks were operating day and night, 24/7, until every last piece of gear is cleaned and ready to return home.

Many of the division's vehicles were staged and lined up, ready to return home. That was truly a sight to see—rows of rows and rows of all types of military vehicles, scores of vehicles. I saw the remarkable size and scope of our logistics effort to rotate these forces in Iraq, and the magnitude of that effort is simply amazing.

General Robert Barrow, a former commandant of the Marine Corps, in 1980 said: ''Amateurs talk about tactics, but professionals study logistics.'' That statement has again been proven true by the nearly flawless rotation of U.S. forces in and out of Iraq. That rotation is now nearly complete, and it is a remarkable achievement. This massive movement of forces and equipment, the largest since World War II, has largely gone unreported and little noticed by the American people. However, it is a true success story and one that needs to be told, and needs to be told on the floor of the Senate.

This rotation of forces is an absolute testament to the will, dedication and commitment of our men and women in uniform. They are to be commended for what they do for all Americans, and once again, they have made us proud.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed as in morning business.

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

OVERTIME

Mr. GREGG. I join the senior Senator from Alaska, the chairman of the Appropriations Committee, in his excellent statement congratulating our

military, our troops; specifically, the men and women who serve in Iraq and the extraordinary job they are doing there. This incredible rotation the Senator reflected on, the logistics being an exercise of extreme complexity, was accomplished with great professionalism.

His knowledge of this is unique and special, and we turn to him in the Senate about military affairs. I join in the acknowledgment of what the men and women of our services have done in this area. I thank the Senator for bringing it to our attention.

I rise briefly, however, to address the new regulations proposed relative to white-collar overtime issues presented by the Department of Labor. We, as a Senate, have for literally months been hearing from the other side of the aisle that they wanted to stop the procedure of regulatory activity in this area; they wanted to foreshorten the proper and appropriate approach to governance; that is, to issue proposed regulations and take information and comment on the regulations and bring forward any sort of clarification of the law in the area of overtime activity, of which the law has been on the books for 50 years.

Unfortunately, it has become confused and arcane in many ways. In fact, the law as presently structured was put together in a time when this country had people who were called straw bosses, leg men, and keypunch operators, things which no longer are relevant. Yet the law still has these categories of individuals and their rating systems are affecting how overtime is paid.

It has become a fertile ground, regrettably, because of this confusion. Because it is a law that has not been adequately reformed and kept up to date, it is a fertile ground for lawsuits.

The United States Bar Weekly, a lawyers' weekly USA newspaper headline, summed up the salaries in the workplace across America by saying in a headline: ''Boom In Overtime Suits, A Danger For Employers But A 'Gold Mine' For Plaintiffs' Lawyers.''

Unfortunately, that is all we have gotten from the regulation in the last 2 years—lawsuits. We do not have a more efficient marketplace, or people who deserve overtime getting overtime. We have not had a settled issue as to who has a right to overtime.

Secretary Chao said we should do something about this proposal. Secretary Chao stepped forward and said this is an issue, a problem, we need to do something about. She put forth proposed regulations which I, as chairman of the committee that has jurisdiction, said there are some issues. We have questions. Let's look at them. That is why those proposed regulations received 80,000 comments. The Department has been reviewing those.

Again and again people have come to the Senate from the other side of the aisle and used the excuse of trying to foreshorten and stop and undermine the process of regulatory reform and the comment period as a means to try to stop other legislation. How many pieces of legislation have been held up interminably, and some simply not passed, because the other side of the aisle says we cannot have the proposed regulations out there; we have to stay with the law as it is.

Now it has shown the folks were absolutely wrong. The folks came to the Senate and tried to use this proposed regulation as a stalking-horse to obstruct other legislation on the floor. It was a stalking-horse because the Department of Labor has come forward now with a new set of regulations which have grown out of and evolved out of the work that was done as a result of reviewing and listening to the input from the 80,000 comments.

The final set of regulations has some extremely good proposals. It guarantees 6.7 million Americans who today are not guaranteed overtime will receive overtime. People up to $23,000 of income will receive overtime. That is up from the present threshold today of $8,000. That means 6.7 million people who today are in a gray area are no longer in a gray area and they will get overtime.

In addition, it makes unalterably clear this overtime regulation applies to white-collar areas. That was never an area for concern. People were concerned. The Department has made it clear the overtime of groups such as first responders, nurses, veterans coming back from serving overseas, licensed practical nurses, and registered nurses would be protected.

That was never the intent of the original regulations, I don't think. But clearly, it is definitively addressed in this final rule.

Furthermore, the people whose overtime may be at risk have to have an earning that exceeds $100,000, and they have to be in a white-collar activity, not a blue collar. If a blue-collar person happens to make more than $100,000, their overtime stays in place. The overtime of a white-collar person making more than $100,000 may be impacted by this. The Department estimates that is less than 120,000 people who may be impacted by that part of the regulation.

In this final regulation, 6.7 million in the gray area will get overtime who are not getting it. They may be getting it, but they do not know they have a right. And people who are concerned about overtime, working blue-collar jobs, or working in areas such as law enforcement and firefighting or nursing, will absolutely be assured of their overtime rights, although they probably were.

It means the business community, especially small businesses, will have a clear understanding of who has the right to overtime and who does not have a right to overtime—not clear, but a clearer understanding of who does and does not have a right to overtime. That means instead of ending up with small businesses especially having to spend a lot of money defending lawsuits which are arbitrary in many cases and which are class action in other cases, they will be able to spend their money on creating new jobs.

Instead of having a litigious atmosphere out there, we will have an atmosphere where people can understand what their responsibilities are to pay people. Those people who are receiving this overtime will benefit significantly from this clarity, and other folks who will be getting jobs as a result of businesses having money to invest, rather than having to pay lawyers to defend these lawsuits. It is a step in the right direction.

I believe that opposition today, should it still continue, can only be defined as political. We know that opposition, in light of these regulations coming out in final form, was probably highly political before, but clearly in light of the definitiveness and the constructiveness of the changes which have come forward with the final regulations, any additional opposition is partisan, political, and driven by an election year attitude, or it is simply a desire to be a stalking-horse to promote lawsuits versus promoting efficient use of resources in our society, especially by small businesses.

I congratulate the Department of Labor for doing the job which they are paid to do, which is to try to make our laws more understandable and constructive. As a result, they have made a very strong step forward to assisting people in getting overtime who may not be getting it today.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. MURKOWSKI). Morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2290, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 2290) to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, this is one of the most important bills in many decades because this bill will determine whether or not 8,400-plus companies go into bankruptcy, with a loss of jobs, pensions, and opportunities for people all over this country—and all because of an out-of-whack tort system that has been manipulated by some veracious lawyers who should know better but who are too addicted to being able to milk the system for billions and billions of dollars, $20 billion thus far in legal fees and transaction costs.

Opponents of this bill continue to assert that the fund is nothing more than a bailout of corporate America because it is not big enough. There is one word for that: baloney. This charge, which the personal injury lawyers keep repeating in television and print ads, completely baffles me. Let me explain why.

Currently, estimates of what the existing tort system will pay to plaintiffs in the future range from $61 billion to $92 billion. That is currently. This is what the independent actuaries say is the amount of money the victims will actually receive under the current system.

Let me just point to this chart: the asbestos victims' compensation in billions of dollars. Under the tort system—the current out-of-whack tort system—you have three colors on the chart: dark blue, kind of light blue, and yellow. The light blue illustrates the fees we pay to the defense lawyers in these cases. The dark blue happens to consist of the fees we pay to the trial lawyers—in other words, the plaintiffs' lawyer.

Between them, as you can see on that Tillinghast account, shown at the top, you have $69 billion. How much goes to the victims? It is $61 billion—if it is there, if these companies do not go bankrupt. Take the Milliman one, shown down below: $61 billion to the personal injury lawyers, $42 billion to the defense lawyers. That is $103 billion. Only $92 billion goes to the victims. That is assuming these 8,400 companies have not gone into bankruptcy. We have already had 70 companies go into bankruptcy.

But look what happens under the FAIR Act. The attorneys would still get a whopping $2.5 billion for what really amounts to rolling-off-a-log type of a lawsuit because it would not take all the efforts they would have to put in to make cases otherwise in court. They would get $2.5 billion. But $111.5 billion would go to the victims. It is pretty hard to say that is not a fair deal or that it is a bailout of corporate America.

Now, our bill, in comparison to the $61 billion to $92 billion of those two actuary accounts that will go to the plaintiffs, gets them $111.5 billion, which is a lot more than either of those estimates were. This goes to the pockets of the injured persons.

So where does the rest of the expected cost of the tort system go? Under the current system, it is going to lawyers. It is going to lawyers' fees and other litigation costs, with personal injury lawyers alone expected to garner $40 billion of these future expenses. In addition, 80 percent or more of claims filed in recent years are from individuals who do not have a medically cognizable injury and are not impaired in their daily routine. Let me put that in lay terms. They do not have any injury that can be shown by the current medical analysis we have in existence today, and it is the best in the history of the world.

Indeed, one scholar estimated that meritless claims—claims without any merit at all—based on questionable ''diagnoses'' for mass screenings have accounted for $28.5 billion in costs already. As a result, the truly ill get even less than the $61 billion to $92 billion estimate that is suggested by these two studies.

Measured against the existing system, with all of its inequities and high transaction costs, the FAIR Act will deliver far more directly to victims. Up to $124 billion will be available to compensate those who are sick from asbestos while still providing medical monitoring for those at risk but not yet impaired—in other words, not yet sick, and who may never get sick. This is a simplified, no-fault, nonadversarial system which will not require forking over 40 percent to 60 percent to any professional.

No matter how you look at it, victims get far more compensation under this bill—and in a far more timely manner—than in the current system. This alone indicates that the fund is big enough.

But let's look at it from another angle. Are the aggregate fund contributions by companies and insurers expected to be less than they are paying in the current system? According to the Congressional Budget Office, the answer is no. CBO estimates that defendants will have about the same expenses in the current system for the next 5 years. This is on page 20 of the CBO's October 2, 2003, cost estimate for this fund. On the same page, CBO estimates, for the bill as reported from committee, that insurers would actually pay more to the fund in this same period than they would under the current system.

Keep in mind, the current system is gouging billions of dollars for nonsick claimants. Look, this fund, No. 1, calls for about as much money as companies are paying now; No. 2, shifts this money to the truly sick; and No. 3, reduces the transaction costs so more funds are available to compensate injured parties. In other words, we help those who deserve to be helped, where under the current system there are a lot of people sopping up the funds that are there who are not even sick, who have not suffered from sickness, and may never suffer from sickness.

This is a bailout? Give me a break. The chief benefit contributors get out of this deal is one thing, and that is predictability. They know what their payments will be from year to year, and that is it.

I was told if I was able to get $108 billion a number of Democrats would gladly sponsor and support this bill. I had indications from the union movement: But, boy, if you got $108 billion on the table, we will be there. They did not think we could get it done. But we did.

Now, despite all of these things I have been talking about, we have heard the argument that the money is not enough since S. 1125 was first introduced in May of 2003 when industry agreed to a $94 billion fund. Before introducing S. 1125, I had heard from the other side of the aisle that $94 billion was not sufficient but that $108 billion might be enough, as I have just said. I worked hard to get the business community to commit to this funding, and, in the end, the Judiciary Committee added a provision that would simply require $14 billion in additional funds in order to reach this goal. The funds, however, were not guaranteed in the committee-reported bill, as are those under S. 2290.

During the committee process, this $14 billion was added to the substantial contributions required from both defendants and insurers. When S. 1125 was reported out of committee, therefore, it provided for $104 billion in mandatory funding from defendant companies and insurers, plus an estimated $4 billion from bankruptcy trusts. The $108 billion was there.

The committee voted by a 14–3 margin that the claim values which added up to $108 billion—those values—were fair—14 to 3, with a number of Democrats voting with us. Not a single Democrat voted against these claim values. The only ones who did were 3 Republicans, and they thought it was too much.

Now we are hearing that the total just is not high enough. If the values were good enough for every Democrat before, why not now? I just do not get it.

By the way, let's go back just a step or two here. As shown on this chart, we are getting far more money to the sick and needy than the two expert actuarial firms say will go to the sick and needy—far more money. Those who make arguments to the contrary are not being fair.

Later in the committee markup, to ensure the risk of insufficient funding would not fall on claimants, an amendment was offered by Senators KOHL and FEINSTEIN to provide a huge amount of open-ended, contingent funding that could be available to pay claims, up to an additional $31 billion over a nearly 20-year period. The number $31 billion was not in the amendment, nor was the number $45 billion, which some claim it was. The amendment simply called for maintaining the contributions at the same level if such funds were needed to maintain solvency, and this flat line happened to add up to $31 billion, since we had already added $14 billion to the base funding. This meant when the contingent funding was added to the $108 billion of mandatory funding, up to $139 billion could come into the fund and ultimately out to the people.

Democrats and labor unions falsely continue to cite the $153 billion number whenever they can. I challenge any of them to show me that number in S. 1125, the committee-reported bill. Moreover, the $139 billion was not hard money that would be going to claimants. That is a fact. It was not hard

money that would be going to claimants. The fund under S. 2290 would reach this same and substantial level of funding.

Further rendering this $139 billion obsolete is the fact a sunset provision was added later in the markup. This provided an ultimate safeguard, in the eyes of those who filed it, for fund solvency. Still further, we added in S. 2290 a measure which renders the contingent funding amendment from the markup totally unnecessary—the ability for the fund to borrow against 7 years of future revenue. With this provision, the Feinstein-Kohl contingent funding measure is no longer needed. Thus the whole premise for arguing more money is needed because the committee bill had more money is literally destroyed. The Feinstein-Kohl amendment created what amounts to a rhetorical problem on the total value of claims for some Democrats and some labor unions. But it is only that, a rhetorical problem.

Claims values adding to $108 billion were good enough for almost all the Democrats at the markup, and there is no reason the current $114 billion now should be inadequate.

Finally, I will give another indication of why those who now argue $114 billion is not enough are being unfair, if not somewhat disingenuous. Back on April 24, 2003, the AFL-CIO asked an investment banking firm to run a financial model with certain claims values. How much did this model, which they shared with Republicans during negotiations, add up to? Believe it or not, under the base case, it added to $121 billion. You heard that correctly, $121 billion. We offer a fund with a base of $114 billion in guaranteed money with a $10 billion contingency, 7 times the borrowing authority, and a sunset back to the tort system, and there is no deal yet?

I said earlier, I don't get it. But I suspect the reason we are seeing retrenchment and revisionism is that—and there is simply no delicate way to say this so I will be blunt—when personal injury lawyers put the screws on Democrats and labor unions, they are trying to stop this good bill at all costs. It is pretty apparent if you look at the flagrantly misleading ads they put on television, all paid for by the victims, by the way, through these exorbitant fees and transaction costs.

I will tell you one thing, they don't want to kill the golden goose that asbestos litigation is for them. They are only too happy to collect the golden eggs, even though the people who are truly sick, truly injured, will not get the money in many cases. In the end imposing financial obligations on the business community that are much more than they would have to pay under the broken litigation system to compensate victims would only risk bankrupting even more businesses and losing more jobs and pensions. Already, as I have mentioned, more than 70 companies have gone bankrupt due to asbestos litigation, and as many as 60,000 American jobs have been lost. It is estimated if this keeps going and we don't do what we should do here on this floor, there could be as many as a half million jobs lost. I believe that is a low, conservative figure.

If most of these companies go into bankruptcy, I can't begin to tell you what a detriment it will be to our country, let alone the sick and needy who really deserve the moneys.

Rather than rely on their own numbers or provide a reasonable alternative, opponents of the bill falsely contend S. 1125 had provided $153 billion and, therefore, S. 2290 does not provide enough funding. Of course, litigating these cases in Federal court may be a big risk to some personal injury lawyers who have successfully manipulated some outlier State courts to create a system of jackpot justice.

In reality, the Feinstein-Kohl amendment in committee, which introduced the open-ended contingency funding, was designed to ensure the fund established under the act did not become another Manville trust, placing the risk of insufficient funding on future victims and leaving them with only pennies on the dollar. That is a risk which victims will not face under S. 2290.

If, despite paying significantly more money than the current tort system, the fund is unable at any point to pay full value; that is, 100 percent on eligible claims, then the fund will sunset and the tort system will reopen in Federal courts to compensate for future victims. There will be no risk to the victims.

We can't forget this bill is about the victims, not overinflated estimates of a broken tort system that diverts much-needed resources to unimpaired claimants and reduces awards significantly to pay attorney's fees and other transaction costs that do not directly benefit claimants. By any objective standard, this fund is more than adequately funded.

Although we are being met with obstacles in getting to the substance of the legislation, I am heartened by something. There has been significant bipartisan support for passage of a legislative solution to the asbestos litigation crisis throughout the session. In fact, calls for Senate action have been occurring for several years.

For example, when the esteemed ranking member was chairman of the Judiciary Committee, my good friend Senator LEAHY stated:

> . . . Congress can provide a secure, fair and efficient means of compensating victims. I believe it is in the national interest to encourage fair and expeditious settlement between companies and asbestos victims.

Those were Senator LEAHY's remarks in the September 25, 2002, U.S. Senate Judiciary Committee hearing on asbestos litigation.

Senator LEAHY echoed his sentiments last year during a hearing I chaired, when he said:

> These bankruptcies create a lose-lose situation. Asbestos victims deserving fair compensation do not receive it and bankrupt companies cannot create new jobs nor invest in our economy . . . If we work in good faith toward a bipartisan asbestos solution, we can meet the challenge created by [asbestos] litigation. I agree with the Supreme Court's conclusion that the number of claims defies ''customary judicial administration and calls for national legislation.''

That was Senator LEAHY's statement on March 5, 2003 in the committee hearing which was entitled, ''It is time for Congress to act.''

Other Members have made clear they share his opinions. For example, last May, nearly a year ago, Senator DODD made the following observation:

> [W]e are working very hard to come up with a compromise proposal on the asbestos issue. And we've taken major steps in that direction, working with organized labor, with the insurance industry, with the insured, and many others who have a stakeholding in the outcome of this particular avenue. It's a critically important effort.

That statement was made on May 3, 2003. The distinguished Senator from Connecticut, Senator DODD, reinforced those statements later when he noted on March 4, 2004, when referring to the asbestos problem:

> This is a matter that does cry out for a solution.

As work progressed on bipartisan legislation establishing a privately funded national trust fund, support for the concept grew. In a July 2003 letter to Senators FRIST and DASCHLE, Senators DORGAN, BREAUX, NELSON, BAUCUS, KOHL, MILLER, LINCOLN, LEVIN, STABENOW, and CARPER stated:

> The asbestos litigation crisis is real and urgently requires a legislative solution. . . . An administrative trust fund is the right approach and represents a good foundation for a solid legislative solution. . . . A legislative solution to the asbestos crisis is a crucial goal. . . . We believe that the groundwork has been laid by the Committee leadership to provide a real solution to this ongoing problem.

That was a July 11, 2003, letter to Senators FRIST and DASCHLE.

In fact, when the legislation was originally introduced, Senator NELSON stated:

> This will protect victims, save jobs, and force companies to pay their fair share. This is a good start to solving a big problem.

That was a press release on May 23, 2003. I have appreciated Senator NELSON's support over the last year. I don't know whether they can pull him back on this cloture vote on Thursday. But if they do, it would show this is becoming a political exercise to the detriment of these workers, to the detriment of these unions, to the detriment of the insurance companies, and to the detriment of these companies.

As last year progressed and fears grew that the legislative effort might fall victim to election year politics, calls for action intensified. For example, Senator DORGAN wrote the following in another letter to Senators FRIST and DASCHLE:

> We must complete asbestos reform before this session. I think it would be a serious

mistake—for victims, for the economy, and for the Senate—if we adjourned without enacting asbestos legislation. Certainly, a compromise must meet the needs of all the stakeholders. . . . We must seize this opportunity to solve a major public policy challenge for our Nation.

That was written on October 29, 2003, in a letter to Senators FRIST and DASCHLE. Yet, as you know, we were unable to get this up and get it passed last year. I agree with the Senator; it needed to be passed last year. To allow us to go past this year would be almost criminal.

His opinions were echoed by Senator BAUCUS, who wrote:

After all the hard work that has been put into this bill over the past several years, particularly this year, it would be a shame to let it go to waste. It would also have serious implications for the economy and for victims if we let this historic opportunity pass us by. . . . From what I understand, we are very close. . . . I urge you both to do everything in your power to bring both sides together for a swift resolution of this longstanding debate.

That was before we have gone way beyond last year's bill, and we have given well over 50 amendments to Democrats to achieve this bill.

That was a November 5, 2003 letter.

On the same day, Senator LEVIN also sent a letter to Senators FRIST and DASCHLE expressing his own concerns about the importance of the Senate taking action:

I would like to again stress the importance of addressing the issue of asbestos reform before we adjourn this session of Congress. . . . [T]he Senate is in jeopardy of missing a historic opportunity to pass asbestos legislation with strong bipartisan support. It is obvious to anyone . . . that the system is broken and needs to be repaired.

That letter was dated November 5, 2003.

These were all written during the last year's session of Congress.

A week later, Senator STABENOW gave the following advice to Senators FRIST and DASCHLE in a letter:

I believe that we have an historic opportunity right now to pass asbestos reform legislation with strong bipartisan support. . . . The current system has a devastating impact on victims and their families, who have to continue to wait while the judicial system wades through their claims, and on companies, many who have had to file for bankruptcy because of asbestos lawsuits. I urge you both to continue to work on a bipartisan solution to this national problem.

That was in a November 13, 2003, letter.

Senator LEAHY made the following statement on the floor a few days later:

. . . [W]e have come to a complete accord on the idea that the fairest, most efficient way to provide compensation for asbestos victims is through the creation of a national fund that will apply agreed-upon medical criteria in evaluating patients' injuries . . . an effective and efficient means to end the asbestos litigation crisis within reach, and we must grasp it.

That was a floor statement made on November 22 of last year. Unfortunately, time ran out before consensus could be reached.

At the urging of members on both sides of the aisle, Senator FRIST announced in December his intention to accommodate Democratic requests for more time, and he announced he would delay floor consideration until this spring. This year, as negotiations continued in various settings, a call for action has continued. For example, on March 4, Senator DODD noted the crisis in asbestos litigation is ''a matter that does cry out for a solution.'' That was on March 4 in the CONGRESSIONAL RECORD.

A few days later, Senator REID acknowledged ''we have to do something about asbestos litigation.'' That was in the March 9 CONGRESSIONAL RECORD.

It would be impossible to argue there is an absence of bipartisan interest in fixing the asbestos litigation crisis. Nothing has changed since the Democratic leadership council made the following observation in 2002:

This is one issue where the fight is not simply a part of the age-old struggle between companies seeking to avoid financial responsibilities for misdeeds and trial attorneys seeking to punish them while rewarding their clients and themselves. We agree with Supreme Court Justice Ruth Bader Ginsburg, who argued in an earlier case that the goal should be to provide secure, fair, and efficient means of compensating victims of asbestos exposure. We concur with the view of the AFL-CIO that the current system is unfair and unpredictable. Senate Judiciary Committee Chairman Pat Leahy's decision to hold a fair and balanced hearing on the asbestos litigation crisis should signal the beginning of a bipartisan effort to create certainty in the system and get help to victims without spurring new waves of bankruptcies.

That was in the New Democratic Daily on September 18, 2002, a year and a half ago.

These are some of the Democratic calls for reforms on this chart. I have on this particular chart quotes by Senators DORGAN, BREAUX, NELSON, BAUCUS, KOHL, MILLER, LINCOLN, LEVIN, STABENOW, and CARPER. In a letter, they said:

The asbestos litigation crisis is real and urgently requires a legislative solution.

On March 4, Senator DODD said:

This is a matter that does cry out for a solution.

Senator DORGAN wrote on October 29 a letter to the leaders:

We must complete asbestos reform before this session.

Senator STABENOW wrote on November 13:

I believe that we have an historic opportunity right now to pass asbestos reform legislation with strong bipartisan support.

Senator LEAHY, on November 22, 2003, said:

An effective and efficient means to end the asbestos litigation crisis is within reach, and we must grasp it.

Some of the statements I have quoted from my Democratic colleagues are listed on that chart. When viewing just a segment of these quotes, I think it is clear the need for reform is universally understood. The issues that must be addressed are clear. The time has come to act. We have worked our guts out to try to accommodate our friends on the other side. All we hear is: more money, more money, more money. It is as though these 8,400 companies have an unlimited supply of money to be given. In many cases, those companies are dramatically mistreated by this whole system. In many cases, they should never have had to pay a dime. I will cite one of the larger insurance companies in this country. They never, ever insured for asbestos or asbestosis, or any problem or malady that comes from asbestos; they never had anything to do with asbestos, other than they had their medical team do a medical analysis and concluded mesothelioma probably comes from exposure to asbestos. That was a service to society, not anything that should cause liability. Because of that, this company has been joined in over 60,000 cases, every one of which they can win and should win. The last one they tried, they did win, but it cost them $2 million for attorneys' fees alone.

That is money that could have gone to the victims, and just to get some finality to this situation, just to solve this problem, that company is willing to pay out what amounts to millions of dollars that they do not owe just to get this over with. There is a raft of companies that are in the lawsuits that fit that category.

Where is the justice on the other side? I admit, you want to fight for your constituencies—the personal injury lawyers and the unions—but you also have constituencies, my friends on the other side, in these businesses that are going to go bankrupt and insurance companies that also are going to go bankrupt and the economy that is going to be tremendously hurt by this situation if we do not resolve this problem. We have a whopping amount of money to resolve these problems.

The issues that must be addressed are clear. The time has come to act. The asbestos litigation crisis is a national nightmare, and the failure of Congress to fix it would be a legislative disgrace.

I would like to show some charts with other calls for reform from labor unions and the media. Let me go into some of those.

Organized labor calls for reform. This is a statement of Jonathan Hiatt, general counsel with the AFL-CIO. This was made before the Judiciary Committee on January 25, 2002:

Uncertainty for workers and their families is growing as they lose health insurance and see their companies file for bankruptcy protection.

Mr. Hiatt is a very bright and noble attorney in many respects, and I have a lot of respect for him. What has the AFL-CIO done? We reached $108 billion which I had indications they would accept, but now we are as high as $124 billion. Where are they?

Take AFL-CIO Principles on Asbestos Compensation which was stated on August 7, 2002:

[U]nder current law and legal processes, many asbestos victims are not being treated fairly.

In other words, the system is broken. Here we have a chance of changing the system. This is the art of the doable. And where are the trade unions? They are the ones that are losing the jobs. They are the ones that are primarily losing health care benefits. They are the ones that are losing their pensions from these companies that are going bankrupt. Where are they? Why aren't they demanding that our friends on the other side do something about this, other than scream for more money all the time. Stones can only give so much blood, and, of course, there is a certain irony in that statement.

Let's take the United Steelworkers of America, local 12773:

We really believe this needs to be resolved now.

Or take the Paper, Allied-Industrial Chemical, Energy Workers International Union, local 2–0891:

. . . we might not have another chance for some time.

They might not have jobs in the future because of this dragging of the feet we are getting from the other side on this matter.

Or take the United Steelworkers of America, local 7110:

It is too important to let pass by.

These sum it up. Let's take media calls for reform just so people understand.

The Pittsburgh Post-Gazette, September 25, 2003:

There is an elephant to be moved, and this is the best chance in years. The time for Congress to act is now.

The Detroit News, April 4, 2004:

The bill makes economic sense for companies and would ensure significant payments to employees who develop serious illness. It's a humane solution and ought to be adopted.

That is the Detroit News, a heavily industrialized city. They understand this. Why the slowdown?

Take the Chicago Times, on June 16, 2004:

It is ludicrous to keep litigating for the benefit of the litigators, when what is needed is a claims system for the benefit of the victims.

That is what this bill does. It is a claims system for the benefit of the victims.

There is a whopping amount of money that will go to the victims, not to attorneys, although the attorneys still will get $2.5 billion of it, which is a lot of money.

Take the Washington Times on September 24, 2003:

. . . current legislation to control asbestos-related lawsuits is one of the best ways Congress can protect jobs.

The current legislation.

Or take the Capital Times & Wisconsin State Journal on May 13, 2003:

An asbestos trust fund is a good idea. It should become law.

Fund Could End Asbestos Legal Battles.

That is what this bill can do. Why don't we have more help from the other side?

None of these papers, with the possible exception of Washington Times, one would call moderate to conservative. Most are more liberal papers.

The Chicago Times, June 16, 2003:

The proposal . . . would get compensation to genuine victims and get hundreds of thousands of cases out of the regular court system.

That is one of the points I have not emphasized up to now. As a former trial lawyer, I have to tell you, our courts are clogged with all kinds of frivolous suits, all kinds of frivolous cases. I am not talking about these cases necessarily, but all kinds of them. Then you add these hundreds of thousands of cases, and one can see why justice is not being obtained, especially for those who are sick and needy.

I notice that my colleague from Washington is in the Chamber. I thank her and her staff for their good-faith efforts in working with us to reach consensus on an appropriate asbestos ban. I am pleased that we, including Senators FEINSTEIN and KOHL, were able to reach bipartisan consensus on this very important issue. It is important.

Madam President, I ask unanimous consent that immediately following the remarks of the distinguished Senator from Washington, the distinguished Senator from Ohio, Mr. VOINOVICH, be recognized to give his remarks.

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

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that during today's session of the Senate Senator HARKIN be recognized for up to 15 minutes as in morning business; Senator BYRD for up to 40 minutes as in morning business; and Senator INHOFE for up to 30 minutes as in morning business.

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

Mrs. MURRAY. Madam President, I rise today to share my serious concerns with the asbestos liability bill now before the Senate. As my colleagues know, this is not just another bill for me. This is something I spent years learning about, educating my colleagues about, and writing legislation to address.

In fact, my work on asbestos started 3 years ago this very month when I asked the Senate HELP Committee to hold a hearing on asbestos exposure in the workplace.

I started this as a very lonely battle with my good friend, Senator Paul Wellstone. We held press conferences, and it seemed like no one came. Senator BAUCUS and Senator CANTWELL were with us, but it was a very lonely fight.

That is why today it is so great to watch my colleagues, such as Senator DASCHLE, Senator REID, Senator DAYTON, and Senator LEAHY moving this discussion to such a productive level. They have taken the time to listen to the victims, and I think if everyone did, we would have a much more balanced bill in front of us today.

I am pleased that after working all these years with the victims, family members, and doctors, the full Senate is now engaged in a debate about asbestos. I am also pleased that many of the issues I have been fighting for have been included in this legislation. This bill does include a modified ban on asbestos, similar to the original ban that I first introduced 2 years ago. That is an important acknowledgment of what I told the Judiciary Committee did last June:

If Congress is going to prevent any future lawsuits, then Congress must try to prevent any more asbestos casualties, by banning the use of asbestos.

So I am pleased by some of the progress in this bill, but I am also deeply disturbed by what this bill will do to people whose lives have been torn apart by asbestos, to future victims, to family members, and to average Americans who are being exposed to deadly asbestos every day without even knowing it. After listening to the victims, hearing their stories, looking them in the eye, there is no way I could vote for this inadequate and unbalanced bill today.

As I have learned about asbestos over the past 3 years, I have been troubled by the duplicity of some of the companies, by the negligence of our own Government, and by the absolute horror that asbestos inflicts on people. Throughout this process, I have also been touched by the commitment and the optimism of victims. Some of them realize it is too late for them, but they want to make sure no other American goes through the horror they have experienced.

After working with them, I know I am not just standing on the Senate floor as a single Senator. I am standing here on behalf of all of the people I have been honored to meet and stand with over the past 3 years.

I am standing here on behalf of people like Brian Harvey, Gayla Benefield, Bret Williams, Ralph Busch, Marv Sather, and George Biekkola.

They were all exposed to asbestos through no fault of their own.

I am standing here on behalf of the family members of asbestos victims, people like Sue Vento, the wife of the late Congressman Bruce Vento of Minnesota; Sue Harvey, and LTC James Zumwalt, the son of Navy hero Elmo Zumwalt.

I am standing here on behalf of doctors who have labored to save their patients against a merciless killer, doctors like Michael Harbut, Alan Whitehouse, and Harvey Pass who not only provided medical care but worked to raise awareness and call for needed research.

I am standing here on behalf of public health leaders like Dr. Richard Lemen, a former Assistant Surgeon General of the United States; Dr. Phil Landrigan, and people like Andrew

Schneider and Barry Castleman who have worked to warn the public about these dangers.

I am standing here on behalf of researchers and advocates, people like Chris Hahn of the Mesothelioma Applied Research Foundation and advocates at the Environmental Working Group.

All of these people have stood with me at press conferences and have testified before Senate hearings, calling for us to help the victims and to ban asbestos. We have a real obligation to them.

I am standing on the Senate floor today to make sure the Senate does right by people who have been wronged.

Let me share one of their voices with my colleagues. In July 2001, the HELP Committee held that hearing that I requested on workplace safety and asbestos exposure. One of the witnesses was Mr. George Biekkola of Michigan, a World War II veteran and a community leader who helped bring a hockey rink to the children of his community.

Those of us who were at that hearing 3 years ago will never forget what he said. He broke down several times as he read his statement, but his message was clear. He told us he had spent 30 years working at the Cleveland Cliff Iron Company in Michigan. He operated a hard rock drill and was exposed to asbestos dust. He was forced to retire at the age of 60 because asbestos had scarred his lungs and reduced his lung capacity by one-third. At that hearing, he told us:

> I thought I'd be spending my retirement traveling out West with my wife, hunting deer up in the mountains. But today I can't.

He said he could not exert himself because his heart was weak and that he had to be careful because a simple case of pneumonia could kill him. He told us:

> This isn't how I thought I'd be spending my retirement, but when I think about the other guys I worked with—I guess I came out lucky.

He said:

> I'm here today to tell you my story so that maybe someone else working in a mine or a brake shop or a factory won't lose the things I have lost.

He concluded his statement with these words:

> Senators, please make sure that what happened to me won't happen to anyone else. . . . Workers like me are counting on you to protect us. Please don't let us down.

I am sad to report that George Biekkola died 2 weeks ago today from asbestosis and mesothelioma. Until the end, he was looking out for other victims. In fact, at his funeral last Saturday his family displayed a photograph of him testifying at that Senate hearing.

George is not with us today, but his words ring as loudly now as they did 3 years ago: Senators, do not let us down.

That is why I have been working on asbestos for the last 3 years and that is why I cannot support this inadequate bill. After all the things that Americans like George Biekkola have been through, after all they have lost, after all their families have lost, after all they have done to protect others, I will not let them down, and that is why I cannot support this bill.

Before I turn to the specifics, I want to put this discussion in context. For decades we have been pumping this poison into Americans, on purpose and by accident. It has wrecked lives, families, and fortunes, and it has been a problem for many businesses. Asbestos is everywhere, and it is killing us. We have to stop putting this killer in products. We have to stop importing products that contain asbestos. We have to figure out a way to make whole everyone who has been affected by this epidemic, and we need to do it in a balanced way that gives certainty and equity to both victims and to companies.

This process has been an education for me because like many Americans I thought asbestos had been banned a very long time ago. In 1989, the EPA did try to ban asbestos, but that effort was overturned in a lawsuit from the asbestos industry. Ten years later, in 1999, reporter Andrew Schneider and the Seattle Post-Intelligencer published articles about a disturbing trend in a small mining town of Libby, MT. Residents there are suffering from extraordinarily high rates of asbestos-related disease. At many plants where vermiculite from Libby was processed and then shipped, waste rock left over from the expansion process was given away for free. I learned that people used this free waste rock in their yards, in their driveways, and in their gardens.

This picture that I have with me today is Justin and Tim Jorgensen. They are climbing on waste rock that was given out by Western Minerals, Inc., in St. Paul, MN, some time in the 1970s. According to W.R. Grace records, this rock they are playing on contained between 2 and 10 percent temuline asbestos. This rock produced airborne asbestos concentrations 135 times higher than OSHA's current standards for workers.

We need to do right by Justin and Tim, and those are the people I think about when I look at this bill.

I learned, in fact, that our country is far behind others. The United States remains the only industrialized country besides Canada that has not yet banned asbestos. More than 30 million pounds of asbestos are still today right now consumed in the United States each year. I learned that asbestos is still found today in over 3,000 common products in the United States, including baby powder, cosmetics, brake pads, pipes, hairdryers, ceiling tiles and vinyl flooring.

It is still legal in 2004 to construct buildings with asbestos cement shingles and to treat them with asbestos roof coatings. It is still legal today to construct new water systems using asbestos cement pipes imported from other countries. It is still legal today for cars and trucks to be made and serviced with asbestos brake pads and linings. Workers in this country are still being exposed to dangerous levels of asbestos. According to OSHA, an estimated 1.3 million employees in construction and general industry face significant asbestos exposure on the job today. Asbestos, in fact, has taken a particularly large toll on the people of my State.

According to a recent report by the Environmental Working Group, King County has the fourth highest number of deaths related to asbestos in the country. Three other counties, Kitsap, Pierce, and Snohomish, all rank in the top 100 for asbestos-related deaths. Overall, Washington State ranks eighth in asbestos-related deaths nationwide. Just last week in Spokane, WA, our State department of health announced that 100 former workers at a vermiculite factory likely inhaled deadly asbestos fibers and should seek advice from their doctors. They also warned that children and spouses who lived with those workers could become ill from particles that were carried home with the loved ones on their clothing, on their hair, and their skin.

Given the known dangers of this mineral, we should all be asking why are we still using it? Why are we still adding it to products on purpose where there are perfectly acceptable substitutes? Americans in every walk of life and in every corner of this country have been exposed, and we have to protect them. That is why I have worked to do a series of things over the past few years.

On June 18 of 2002 I introduced the Ban Asbestos in America Act. I reintroduced that bill again last May as S. 1115.

I do thank all the Senators who have cosponsored my bill: Senators BAUCUS, BOXER, CANTWELL, DASCHLE, DAYTON, DURBIN, FEINGOLD, FEINSTEIN, HOLLINGS, JEFFORDS, LAUTENBERG, LEAHY, and REID.

I have pushed the EPA to warn homeowners about the dangers of Zonolite insulation, which today is in the attics of as many as 35 million homes, schools, and businesses.

I have urged the EPA to warn brake mechanics about the deadly asbestos dust they are exposed to on the job today.

I have asked OSHA to increase its efforts to enforce existing regulations that attempt to protect automobile brake mechanics.

I have shared my concern with legislators in Canada, the country that is the largest source of America's asbestos imports.

I testified at a hearing on Libby, MT, and I testified before the Judiciary Committee last July.

Asbestos liability is a real problem. It is a problem for victims, and it is a problem for companies. We need a balanced solution.

Unfortunately, the bill that is before us today falls short in six ways. First

of all, it is unfair to victims because the awards are too small, even smaller than many would get if they were allowed a day in court.

Second, it could lock future victims out of getting help because the trust fund is inadequate.

Third, it keeps Americans in the dark about the dangers of asbestos. It does not include the education campaign that we know is needed and that I have been pushing for over the past 3 years.

Fourth, it falls short on research, tracking, and treatment for asbestos diseases.

Fifth, it makes family members jump through too many restrictive hurdles.

And sixth, it allows insurance companies to place liens on the awards family members receive, unfairly reducing the award they deserve, and treating them much differently than other Federal compensation programs.

Let me take a few minutes to discuss each of those in detail. First of all, as I said, the awards are too small. Many people who had their lives torn apart by asbestos will actually do worse under this bill than they would in court. For example, awards for lung cancer victims who have more than 15 years of exposure to asbestos are limited to $25,000 to $75,000, even though most of those victims will die within a year.

Victims with asbestosis who have lost 20 percent to 40 percent of their breathing capacity, many of whom will be disabled for life, will receive only $85,000. That is far less than their lost wages and medical costs. This bill gives them less than they deserve. At the same time, it blocks the courthouse door to victims who have staggering medical bills, lost wages, and other damages. I do not see how Congress can leave asbestos victims worse off than they are today, but that is what this bill will do.

Second, the trust fund is too small to compensate all the victims, but that is just one of the problems with this trust fund. I believe a successful trust fund will provide fair and adequate compensation to all victims and would bring reasonable financial certainty to defendant companies and insurers. To do that, the trust fund must include four things: Fair award values, appropriate medical criteria, adequate funding, and fast processing.

The system for processing claims must allow victims to get prompt payments, without the complications, time, and expense of a traditional lawsuit. Unfortunately, the trust fund in this bill falls far short of what is needed. I have already discussed how the award values are unfair.

In addition, the trust fund is not adequately funded. In fact, the trust fund in this bill has been slashed dramatically from the original Hatch legislation. In the Judiciary Committee's bill the trust fund was $153 billion. But in this bill we are being asked to vote on the trust fund has been slashed by over $40 billion.

Now, the trust fund didn't shrink on its own. It was reduced after closed-door negotiations that included only one side, the defendant companies and the insurance industry. It was not based on the actual needs of victims. Instead, it was based on what the insurers and businesses were willing to pay. This one-sided agreement reduced the funding provided in S. 1125 by more than $40 billion.

Making matters worse, an additional $10 billion in contingent funds does not become available for 24 years. The Senate should not adopt a policy of adjusting award values just to meet an arbitrary and artificial limit reached in a back room with only one side present.

Not only was this figure arrived at in an unfair way, but it is clear it is not enough to meet the needs of current and future asbestos victims.

The Congressional Budget Office has estimated the cost of this bill at $134 billion. This bill provides only $109 billion. So there is a significant shortfall already. But there is very good reason to believe this shortfall will be even larger. Recent claims in the Manville trust show much higher than expected claims for many asbestos diseases. Those claims also show that recent mortality and morbidity data increase the likelihood that the number of asbestos-related diseases and related claims will exceed current estimates.

If this fund becomes insolvent it will leave victims without the help they deserve and without the help they need. Because of that possibility, last year Senators inserted a number of protections during the Judiciary Committee markup. Tragically, very tragically, the bill before us today throws away all of those carefully crafted bipartisan protections.

For example, we had protections for victims in case the trust fund became insolvent. Those protections in the Biden amendment were stripped from this bill.

We had protections that guaranteed that asbestos victims would preserve their legal rights until the trust fund is operational. That is important because if this bill becomes law, it will end up in court and there will be no mechanism for victims and their families to get help while this law is tied up in court. We solved that problem with the Feinstein amendment, but again those protections were stripped from this bill.

So overall this trust fund is inadequate. If we are going to lock the courthouse doors to victims, we have to be 100 percent certain the trust fund will have enough money to cover all of the 600,000 current claims and the thousands more that may be found later. This is especially important because asbestos diseases have a very long latency period, often decades long, making it hard for us to predict today who will need help in the future. If we pass this inadequate trust fund, my constituents and hundreds of thousands of Americans will be left out in the cold with only the fading memories of their loved ones to carry them through this tragic ordeal.

My third concern with this bill is it keeps Americans in the dark about the dangers of asbestos exposure. This bill completely drops the education campaign that was in both of my asbestos bills. One of the reasons why asbestos takes such a deadly toll is because people are unaware that they're being exposed to it.

Ralph Busch, a constituent of mine, exposed himself and his wife to asbestos when he renovated his home. He never knew about the dangers until he happened to read a story in the Seattle Post-Intelligencer. Today, his dream house is abandoned, his credit is ruined, and his health is a constant worry. Ralph Busch didn't do anything wrong. He couldn't have known about the danger of Zonolite insulation. There is no way that Ralph Busch could have known that by buying and renovating an old house he would eventually expose his family to dangerous levels of asbestos.

We must make sure others do know about this public health risk by providing additional resources to educate the American public about the dangers of worksite and home exposures to products that contain asbestos.

We must also provide safety information to homeowners on what they can do to prevent asbestos exposures at home, particularly in the attic and basement.

In addition to homeowners, many workers are exposed to asbestos on the job. Often they are not aware of the danger, and they don't have the protective equipment they need.

I am heartened to hear that EPA, ATSDR and NIOSH are now proactively reaching out to consumers and workers to warn them to stay away from vermiculite attic insulation. But, I am very concerned that the EPA, prodded by a request from the law firm of the former acting agency administrator, is considering revising its ''Guidance for Preventing Asbestos Disease Among Auto Mechanics'' to convey the false impression that brake repair work is no longer a risk.

Clearly, any effort by the EPA to downplay these risks flies in the face of current congressional intent regarding the inherent health problems with exposure to asbestos in the workplace. I sincerely hope that EPA will not bow to the pressure of the industry and in fact strengthen its guidance for brake mechanics.

My fourth concern is that this bill does not do enough for research, tracking and treatment.

I want to thank Senator HATCH for including some modest resources in his latest version of the bill—which should be used to establish mesothelioma research and treatment centers around the country. Yesterday I was pleased to hear Senator HATCH say that he would be willing to explore additional funding for asbestos research and treatment

centers. These centers will be critical as the medical community works to develop new treatments and protocols for the variety of deadly cancers and diseases that exposure to asbestos brings to workers and their families.

Unfortunately, not included in S. 2290 are the resources needed to track the victims of mesothelioma and other asbestos causing cancers, and to conduct additional research about the harmful effects of this deadly material.

These are areas that doctors and other experts have told me time and again we must invest in. I heard from some of those doctors last month at a press conference I held, which Senator REID and Senator DAYTON attended. At the press conference, Dr. Bret Williams of North Carolina said, ''As a doctor, a cancer patient, a husband and father, I am asking my government to take a stand. Fix the problem. Give us hope. Fund a mesothelioma research program. Please invest in a cure.''

A surgeon from Detroit, Dr. Harvey Pass, told us that progress on asbestos diseases requires funding, and he said that funding, ''remains absolutely insufficient to set up the type of collaborative approaches that already exist with lung cancer, breast cancer, prostate cancer, and colon cancer.''

The fourth problem with this bill is its inadequate support for research, tracking and treatment of asbestos diseases.

My fifth concern with this bill is the way it treats family members. Under this bill, family members of victims will be forced to jump through an additional series of hoops, reducing the likelihood they will ever receive an award.

Let us remember that these family members have lost loved ones. In many cases they are vulnerable themselves because they came into contact with asbestos fibers through a family member. Take the case of Susan Lawes. Her father was a pipe fitter and was exposed to asbestos on the job. When he came home from work, asbestos fibers were still on his clothes. He would walk through the door after the end of a long day and give his daughter a hug. Last month, Susan was diagnosed with an asbestos disease. As she told me,'' I am literally dying because I hugged my dad.''

Susan and many people like her are not treated fairly under this bill. The children and the spouses of workers should not have to prove five years of exposure to asbestos from their husbands and fathers as they would under this bill. They also should not be forced to appear before a special Physicians Review Board in order to determine their medical condition and whether they are eligible for a compensatory award.

It is the same for people in Spokane, WA. Spokane is one of the 22 sites that EPA has determined is still contaminated. Why are we forcing these innocent victims of take-home asbestos exposure to jump through extraordinary hoops to determine their eligibility of an award?

My fifth concern is the unfair way this bill treats family members—making them jump through hurdles that reduce the chance they will ever get the help they need.

Finally, this bill allows insurance companies to reduce any awards that victims actually receive—something that is not found in similar federal plans.

This bill allows insurance companies to place liens on the awards that victims and family members receive.

I find it unconscionable that health insurance companies and other entities can recoup their costs by placing liens on the awards family members receive in compensation for their loss of a father, a husband, a son or a daughter.

These workers were often the only breadwinners in their households, but this bill tells their surviving family members that they can be sued by their health insurance provider for a substantial part of an award—an award that as I've shown may already be inadequate.

What is especially disturbing is other federal compensation programs do not allow this type of action, but for some reason, asbestos victims are being given fewer protections. For example, the awards provided to victims in federal compensation programs like the Radiation Exposure Compensation Act, the Energy Employees Occupational Illness Compensation Program Act and the Ricky Ray Hemophiliac Relief Fund Act are not subject to liens by workers compensation insurers. I don't know why the authors want to treat asbestos victims differently, but I do know that it is not fair, and it's one of the reasons why I can't support this bill.

In the end, this bill falls far short of what victims deserve. The awards are too small. The trust fund is inadequate. It fails to educate Americans about the dangers of asbestos. It falls short on research, tracking and treatment for asbestos diseases. It puts unfair burdens on family members, and it allows insurance companies to reduce a victim's award.

I have been fighting on this for years, and it makes no sense that we could squander this moment with a bill that is so inadequate. George and Gayla and Ralph and Marv and Bret and Brian deserve so much better, and I will continue to fight for them.

Regardless of what happens with this bill, the one thing we must do is ban asbestos, and I assure my colleagues that I will keep fighting for that. I do want to pass a law. We need a real solution. I don't want companies going bankrupt. I don't want victims going without the help they need. I still think we can do it, and I will continue to fight for a balanced and fair bill that will do right by victims across the country. We have an obligation to them and their families. I have been fighting for them for the last 3 years. No matter what happens this week, I am not going to stop now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I preface my remarks by saying my thoughts are with the victims of asbestos exposure, those families that have lost loved ones, and those that have to live with the debilitating illness caused by asbestos. They are at the forefront of my mind and in my heart as I discuss this issue of asbestos liability.

I want to be sure the legislation we pass today will ensure that those truly sick individuals are allowed fair and just compensation. Without the passage of this legislation, they will not be compensated. As hundreds of companies will cascade into bankruptcy, we will lose thousands of good-paying jobs and see the pensions of thousands of retirees evaporate.

Most people would agree that the issue of asbestos litigation and its aftermath is presenting a crisis in our country. With roughly 70 companies already in bankruptcy and a slew of bankruptcies soon to follow, the U.S. Supreme Court had it right when they called this an elephantine mess.

People need to understand this mess has far-reaching effects and ripples and they are being felt way beyond corporate boardrooms. They are being felt intensely by middle America, people from States such as Ohio, in the form of job loss. We have lost over 2.7 million manufacturing jobs in the United States. In my State alone, in July, there were 1 million manufacturing jobs in 2000, but by October 2003 that fell to 840,000, 17.6 percent of our State's manufacturing employment, a loss of more than 1 out of every 6 Ohio factory jobs. These numbers represent a crisis for Ohio's economy. Already, roughly 70 companies have been forced into bankruptcy with between 52,000 and 60,000 jobs lost as a result.

Shattered families and communities. The statistics are only the beginning as thousands of jobs were subsequently lost in industries dependent on those bankrupt firms. In fact, a recent study by Financial Institutions for Asbestos Reform and conducted by Navigant Consulting details the hidden cost of this crisis and shows how passage of Federal asbestos legislation would provide a tremendous boost to the economy and create jobs. Dr. William Kerr, author of the study, said the failure to enact legislation would reduce economic growth by $2.4 billion per year. Failure to enact legislation could reduce economic growth by $2.4 billion per year, costing more than 30,000 jobs annually. Extended over a 27-year frame, as contemplated, this means the loss of more than 800,000 jobs and $64 billion in economic growth.

Another study, entitled The Secondary Impacts of Asbestos Liabilities, conducted by NERA Economic Consulting for the U.S. Chamber of Commerce, shows how asbestos lawsuits

can cause secondary harm to businesses, governments, communities, and individuals. The study found the ripple effects of plant closures and mass layoffs, such as causing local real estate values to fall, per capita income to decline, and tax coffers to dwindle. The study estimates the total cost to taxpayers of unemployment insurance benefits to displaced workers for asbestos-related bankruptcies at $80 million. The study put the indirect cost of the company closing due to asbestos liability at as much as $2.1 billion. If nothing is done to resolve what has been described as the elephantine mess of asbestos litigation, scores, if not hundreds, of additional businesses will be forced into bankruptcies and tens of thousands of additional workers will find themselves unemployed. Retiree and workers who spent decades working for retirement will see their life savings vanish.

This crisis can really be felt in my home State of Ohio. In fact, Ohio is the fifth biggest State in the country in terms of asbestos claims hanging around our court. In Cuyahoga County, more than 41,000 asbestos cases have swamped the court system. At least 20 large Ohio companies, representing more than 80,000 employees, are the targets of asbestos litigation. Of course, over the past few years the circle of liability has expanded to pull in more and more solvent companies, many of which never manufactured or installed asbestos.

There are numerous examples of Ohio companies negatively impacted by this crisis. Take the case of Federal Mogul, a company that employs over 1,200 in six cities through my State. Employees held 16 percent of the company stock. That stock lost 99 percent of its value. Current employees and also retirees feel the effects of the bankruptcies. Many retirees depend on company stock and dividends for income, and as this value heads south, retirees feel it immediately.

Another company which does a lot for the Toledo area is Owens Corning. As Governor, I worked hard to get Owens Corning to put the new corporate headquarters in downtown Toledo to help facilitate the city of Toledo renaissance. Owens Corning, unfortunately, went bankrupt in 2000. In the 2 years preceding this bankruptcy, the stock lost 97 percent of its value. Fourteen percent of the stock was owned by company employees.

Another Ohio company spoke with me off the record about its growing asbestos liability. When this company announced it had limited asbestos liability, the stock dropped by about 20 percent and its debt rating was lowered. This began a chain-reaction ripple effect that included the loss of over 100 jobs, the sale of assets, a 50-percent cut in capital investments, and a huge cut in the amount of contributions to the surrounding community.

As a former mayor, I know firsthand the impact of what happens when companies go bankrupt. Many of us forget that these companies make a significant contribution to the tax revenues of the cities in which they are located, including their philanthropic contributions, such as United Way, arts, education, health care, and many other forms of community involvement. As I have said before, companies such as this one make up the backbone of the Ohio economy. They do not want to shirk their responsibility to those victims who will become sick truly because of asbestos exposure; they want to know that they are not compensating those individuals who are unimpaired.

Ohio feels the crisis most acutely. It has so impacted my State of Ohio that the State legislature has decided to act where the Federal legislature has failed to do so. On December 11, 2003, the Ohio House of Representatives approved a bill to make Ohio the first in the Nation to block suits by people exposed to potentially deadly asbestos but who have yet to fall ill. The bill would adopt State medical standards for such litigation, allowing lawsuits to be filed by those who have yet to develop cancer or suffer measurable loss of lung function to be placed on hold until they do actually develop the symptoms.

I applaud the State of Ohio for recognizing the true magnitude of the threat to Ohio citizens and for not waiting for Washington to act. With the passage of this bill, Ohioans who are sick from asbestos exposure will go to the top of the court dockets where they belong. Finite resources will be available for those who need compensation most. The people who are now sick will be able to file claims.

Now, if we could only get something done here. I have been working on this issue since I was elected to the Senate, and I have been a cosponsor to several pieces of legislation, including the Asbestos Tax Fairness Act and both versions of the Fairness in Asbestos Injury Resolution Act. I have testified twice before the Judiciary Committee on the need for this legislation. I have lobbied my colleagues in the administration on the need to see this bill passed.

If we want to get something done, we need to do it now. Now is the time. We passed the FAIR Act out of the Judiciary Committee last summer and have spent the time between then and now negotiating to try to find a solution that everyone can support. That is almost a year that we have been negotiating back and forth trying to figure out something we think will be fair to everyone. The time has come for action. We cannot afford any more delays. The ever rising tide of corporate bankruptcies affect victims' compensation so that the truly sick asbestos victims in too many cases and more and more frequently only receive pennies on the dollar. In addition, employees of bankrupt companies suffer as they watch their jobs disappear and their pensions in 401(k) plans decrease dramatically. Again, we have to do something now, not later. Passage of this legislation will get us well on our way. And we have never come closer to resolving the asbestos litigation crisis than this legislation.

This bill provides for a privately funded, no-fault, national asbestos victims compensation fund that will replace the broken tort system and ensure that individuals who are truly sick receive compensation quickly, fairly, and efficiently. It retains the bipartisan agreement on medical criteria that was approved unanimously by the Judiciary Committee. These criteria form the basis of a no-fault victims' compensation fund that will stop the flow of resources to the unimpaired and ensure that the truly ill will be paid quickly and fairly.

The bill contains many improvements made to its predecessor and reflects the product of the last several months of extensive negotiations by the stakeholders in this debate—all of the stakeholders.

I urge my colleagues to vote for cloture on this very important piece of legislation.

On a broader scale, the litigation crisis in this country is like a tornado ripping its way through our economy. The American Tort Reform Association published a study in 2002 on the impact of litigation in Ohio and found that it costs every Ohioan $636 per year—that is every Ohioan, all 11.5 million. That is $636 a head. A large part of it is due to the issue that we have before us today, asbestos. We need to move immediately on this issue.

In my opinion, passing responsible asbestos reform legislation to ensure that the truly injured receive fair and just compensation, and to prevent more companies from sliding into bankruptcy, will do far more for Ohio's economy than many other stimulus proposals we have been talking about on the floor of the Senate or in our respective committees.

The consequences of inaction are grave. As previously mentioned, a large swath of corporate America is at risk, jeopardizing the jobs of thousands of employees, impoverishing retirees, and shattering families and communities. America's clear national interest lies in making sure asbestos funds are available for those who become sick and lifting an ominous cloud of litigation from our troubled economy.

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

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

The legislative clerk proceeded to call the roll.

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

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

FALSE ADVERTISEMENT BY SPECIAL INTEREST GROUPS

Mr. INHOFE. Mr. President, I have to admit that I do not read the New York

Times cover to cover each day. But from time to time, items in that paper do catch my attention. For instance, when a group runs a full-page advertisement, one cannot help but at least glance at the ad.

A couple weeks ago, one such advertisement caught my attention. It was a full-page advertisement placed in the New York Times by two special interest groups: the Natural Resources Defense Council and Moveon.org. These two special interest groups are especially vocal and devoted solely to disparaging the environmental record of the Bush administration.

I have an enlarged version of that advertisement that ran in the New York Times. It is chart 1. As you can see, it states, in large print: ''First Arsenic, Now Mercury.'' It has pictures of President Bush alongside a powerplant billowing with smoke. The ad makes such claims as: the President's policies are the source for mercury contamination in fish and that the President is simply following the wishes of industry contributors. The ad makes direct statements such as: ''So why is President Bush trying to weaken controls on mercury pollution?''

I am chairman of the Environment and Public Works Committee, so this ad was of particular interest to me for at least a couple reasons. To anyone reading this advertisement, the reader would naturally assume there must be some already existing controls on mercury emissions from powerplants because the ad explicitly claims that President Bush is trying to weaken those controls.

How can you weaken controls if there are no controls to start with? So it is assuming there are controls existing. This claim is completely false. I believe this chart demonstrates that. The NRDC's lobbying claim is that the President is weakening controls on mercury emissions from powerplants. The facts, however, are very different.

On December 15, 2003, this President proposed the first ever controls on mercury emissions from utilities. Now, keep in mind, there were no controls before, none whatsoever. How can you weaken controls if there are no controls there?

The Clinton administration had 8 years to propose such controls and did not. In nearly 3,000 days as EPA Administrator, how many mercury regulations on powerplants did former EPA Administrator Carol Browner issue? Zero. Instead, in the last month of the eighth year of the Clinton administration, Carol Browner deftly handed a regulatory lemon to the Bush administration that she was unwilling to impose during the Clinton administration. What a courageous move.

I am very proud that President Bush and his EPA Administrator, Mike Leavitt, have shown leadership where President Clinton and Carol Browner fumbled and failed. In fact, Administrator Leavitt testified before the Environment and Public Works Subcommittee on Clean Air in a hearing on April 1, 2004. In questioning, the Administrator ably drew the line between fact and fiction regarding the President's proposals regulating mercury from powerplants. I want to read to you one of his quotes. The Administrator explained:

> One fiction is that the EPA does not view mercury as a toxin. The fact is mercury is a toxin and it needs to be reduced. Another fiction is that somehow the agency is seeking the Administration to roll back standards. The fact is there has never been a standard, this will be the first time that we will have regulated mercury from power plants in our Nation's history and we want to do it right.

Now, that is what Administrator Leavitt said, reemphasizing there has been no regulation on mercury.

Why shouldn't we propose the right mercury rule based on sound science? There are no existing control standards for utility mercury emissions, so how can President Bush weaken a control standard for mercury that does not exist? That simply does not make sense.

The NRDC has been a prominent national special interest group for many years. So why would the NRDC run such an ad that is completely false? I believe the answer to that question leads me to the second reason this ad was of particular interest to me.

I had this advertisement enlarged to highlight one particular part of it. Keep in mind, this was a full-page ad that cost, as I understand it, around $110,000 for 1 day.

This is what was on the bottom, if you will notice the perforated block at the end of the full-page ad circled in red. I especially wanted to highlight this portion of the ad pictured on the chart because this block is the reason why this ad ran. This perforated block is a contribution form. The contribution form states:

> Yes, I want to join the Natural Resources Defense Council and help thwart President Bush's plan to weaken controls on toxic mercury.

This is the most important part:

> Here is my tax deductible gift of $ [blank].

The form further states to ''make your check payable to the NRDC and mail it to the NRDC mercury campaign.''

I believe it is bad enough to run a false advertisement, but to solicit charitable contributions based on that false advertisement is especially troubling. The New York Times is widely distributed in my home State of Oklahoma, as it is throughout the rest of the country. It would be very disturbing to learn that based on a false ad, people are scared into contributing.

For the past several years, my State of Oklahoma has been rated in the top 25 percent of States for charitable contributions per gross income. It would greatly trouble me if even one of these contributors was misled by any charitable solicitation.

The Council for Better Business Bureaus, a national organization, compiles a Wise Giving Alliance report authorizing a seal of approval to charities that meet the organization's standards. One of the standards the council has established to measure charities deals with solicitations by those charities. Part C of those standards states the following:

> 1. Solicitations and informational materials, distributed by any means, shall be accurate, truthful and not misleading, both in whole and in part.
> 2. Soliciting organizations shall substantiate on request that solicitations and informational materials, distributed by any means, are accurate, truthful and not misleading in whole or in part.

The NRDC, describing itself as a charity, should substantiate this false advertisement. The President has proposed the first controls on mercury emissions from powerplants, the first ever. The Better Business Bureau should hold the NRDC accountable for their purposefully misleading statements. However, NRDC's irresponsibility is sanctionable in other manners as well.

Solicitations by charitable organizations are regulated in part by Federal statutes and case law. However, the solicitation of charitable contributions is mainly regulated by individual State law, and violations of solicitation statutes can be prosecuted under state law. Solicitation by charitable organizations is strictly regulated against fraud and misleading advertisement under the Oklahoma statutes. Oklahoma State law reads in relevant part:

> Any person [or organization] who attempts to solicit any contribution as a charitable organization by means of knowingly false or misleading advertisement shall lose its status as a tax exempt organization and upon conviction be guilty of a felony.

This criminal liability extends to all officers and agents of the charity involved in the solicitation. We take this very seriously in Oklahoma. At least 40 other States have just as strict statutes against soliciting contributions by misleading advertising.

Arguably this ad by NRDC may be unlawful in as many as 40 other States that also have charitable solicitation statutes. This advertisement by the NRDC and MoveOn.org explicitly states the President is weakening mercury standards while they are trying to swindle contributions from people all across the country who may see this advertisement. I don't know what else this ad represents, but specifically NRDC, which describes itself as a charitable organization on its Web site, soliciting contributions by making knowingly false statements to cheat people out of contributions—in Oklahoma, that could make you a felon.

The most shocking part of this is not even that NRDC is running a completely false ad or NRDC is running a completely false ad simply to fleece people for contributions; the most shocking part is the American taxpayer subsidizes the NRDC hundreds of thousands of dollars each year to conduct this type of activity. Public IRS

records for the last several years demonstrate NRDC regularly receives thousands of Federal grant dollars each year. In 2002, the NRDC received more than a half million dollars in government grants. In 2003, the NRDC was additionally awarded more than half a million dollars again in government grants. The cycle continues year after year after year.

The Environment and Public Works Committee has oversight jurisdiction over several Federal agencies. I believe my committee has the obligation to ensure Federal funds allocated to these agencies are used responsibly.

One agency in particular under the jurisdiction of the committee I chair, the Committee on the Environment and Public Works, is the Environmental Protection Agency. The committee has the responsibility to assure American taxpayers their money is going toward accomplishing the EPA's mission of protecting human health and the environment.

On March 3, my committee held its first hearing into the matter in which EPA allocates grants each year. The EPA is a granting agency, allocating more than half of its $8 billion annual budget in grants to State, local, tribal governments, educational institutions, nonprofit organizations, and a variety of other recipients. I announced at the hearing the committee was going to take its oversight responsibilities seriously in regard to grants management, and I intend to take this responsibility seriously until real changes are made in grants management.

The committee heard testimony of problems with grants management. I am confident we will begin to make real changes with the leadership of the Bush administration and Administrator Leavitt.

However, the NRDC, for example, has made it a matter of doing business to apply for Federal grant awards that I believe help subsidize it to run ads such as this one. It costs more than $110,000 a day to run a full-page ad in the New York Times. The NRDC and MoveOn.org are spending thousands of dollars to purposely misrepresent the Bush environmental record and scare people into contributing based on those false representations.

I am announcing that I am sending letters today to the two largest judicial jurisdictions in Oklahoma and requesting those district attorneys to investigate the legality of this advertisement in Oklahoma. I am also sending a letter to the Better Business Bureau requesting that organization to more carefully consider this false advertisement in their rating of the NRDC in awarding their Wise Giving Alliance seal and ask that it formally request NRDC to substantiate its baseless claim.

I ask unanimous consent that all three letters be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, April 21, 2004.

Hon. TIM HARRIS,
District Attorney, Tulsa County Courthouse, Tulsa, OK.

DEAR TIM: I am writing to bring to your attention an advertisement that ran in the New York Times on March 26, 2004. A copy of this advertisement is attached to this letter. I wanted to highlight issues of concern to me in this advertisement. The New York Times is widely distributed in Tulsa, Oklahoma, throughout Oklahoma, and the rest of the country. This advertisement makes claims that due to President Bush's policies concerning environmental protection specifically concerned regulations on mercury emissions from public utilities, more toxic mercury will be emitted into the air. It pictures President Bush next to a picture of a power plant billowing with smoke, and specifically solicits contributions to the Natural Resources Defense Council, a IRS designated 501(c)(3) organization, to ''help thwart President Bush's plan to weaken controls on toxic mercury.''

As you are aware, I am Chairman of the U.S. Senate Committee on Environment and Public Works, so this advertisement was of particular interest to me. One of the issues before this Congress is regulation emissions from power plants. President Bush has proposed the first controls on toxic mercury emissions from utilities. Currently there are no existing controls on mercury emissions from utilities. The Clinton Administration had eight years to propose such controls and did not. I believe NRDC's claim that President Bush is trying to weaken control on mercury pollution is completely false and simply an effort to raise contributions.

It is irresponsible enough that NRDC runs false advertising, however, it is also attempting to solicit contributions as a 501(c)(3) and self-described charitable organization.

I understand that there are federal statues governing charitable solicitations, but I also know that Oklahoma state statutes address perceived false solicitation by a charitable organization under The Oklahoma Solicitation of Charitable Contributions Act (18 Okl.St.Ann. §552.1 et seq). What I find particularly interesting is the penalties section of the Act stating the following:

''Any person who solicits or attempts to solicit any contribution as a charitable organization or for a charitable purpose by means of knowingly false or misleading representation, advertisement or promise or any person violating the provisions of this act, including the filing of false information hereunder, shall lose its status as a tax-exempt organization, and shall be taxed in the same manner and at the same rate as any other corporation, and shall upon conviction be guilty of a felony punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, and every officer or agent of a charitable organization who authorizes or conducts illegal solicitations shall be jointly and severally liable for such fine.'' (18 Okl.St.Ann. §552.18).

I know that your office is continually engaged in prosecuting hundreds of felony cases each year with tremendous success. As a resident of your jurisdiction, I appreciate the work of your office. Any attention that your office could provide to this matter would be greatly appreciated. I intend to highlight the irresponsible activities, like the enclosed advertisement, by groups like NRDC that the federal government subsidizes with hundreds of thousands of taxpayer dollars in grants and other financial assistance each year.

Thank you again for your attention to this matter.

Sincerely,

JAMES M. INHOFE,
Chairman.

FIRST ARSENIC NOW MERCURY—GEORGE BUSH'S EPA AND THE POLITICS OF POLLUTION

America learned this week that tuna, and many other fish, can contain harmful levels of toxic mercury. Forty-five states already post warnings of mercury contamination in their lakes and streams. So why is President Bush trying to weaken controls on mercury pollution?

It's deja vu all over again. Early in his presidency, George Bush tried to allow more arsenic in drinking water. Now, he wants the EPA to let coal-fired power plants treat their mercury pollution as ''non-hazardous'' even though mercury threatens pregnant women and children.

The Bush administration's ploy would allow coal-fired power plants to put more mercury into the air, where it rains down on lakes and oceans, is swallowed by fish, and could wind up on your plate. Exposure to mercury can cause learning disabilities and neurological damage in kids and the developing fetus.

Guess who is praising this scheme? Coal power companies, who are big mercury polluters and big political contributors, too.

THE MERCURY MONEY TRAIL

The big mercury polluters and their trade associations are aggressive political players in Washington. Their executives and PACs are also generous political donors. It's no surprise that the Bush administration is following the industry's script for weakening mercury regulations.

Last time around, President Bush had to back down on arsenic in the face of a massive outcry from people across the political spectrum.

Let's make history repeat itself.

Tell President Bush to get serious about reducing mercury pollution. Our kids deserve no less. Let the Bush administration and the EPA hear your voice about its proposed mercury rule. Go to www.nrdc.org—NRDC, MoveOn.org, Democracy in Action.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, April 21, 2004.

Hon. WES LANE,
District Attorney, Oklahoma County Courthouse, Oklahoma City, OK.

DEAR WEST: I am writing to bring to your attention an advertisement that ran in the New York Times on March 26, 2004. A copy of this advertisement is attached to this letter. I wanted to highlight issues of concern to me in this advertisement. The New York Times is widely distributed in Oklahoma City, throughout Oklahoma, and the rest of the country. This advertisement makes claims that due to President Bush's policies concerning environmental protection specifically concerning regulations on mercury emissions from public utilities, more toxic mercury will be emitted into the air. It pictures President Bush next to a picture of a power plant billowing with smoke, and specifically solicits contributions to the Natural Resources Defense Council, a IRS designated 501(c)(3) organization, to ''help thwart President Bush's plan to weaken controls on toxic mercury.''

As you are aware, I am Chairman of the U.S. Senate Committee on Environment and Public Works, so this advertisement was of particular interest to me. One of the being considered before this Congress is regulation on emissions from power plants. President Bush has proposed the first controls on toxic

mercury emissions from utilities. Currently there are no existing controls on mercury emissions from public utilities. The Clinton Administration had eight years to propose such controls and did not. I believe NRDC's claim that President Bush is trying to weaken control on mercury pollution is completely false and simply an effort to raise contributions.

It is irresponsible enough that NRDC runs false advertising, however, it is also attempting to solicit contributions as a 501(c)(3) organization and self-described charitable organization.

I understand that there are federal statutes governing charitable solicitations, but I also know that Oklahoma state statues address perceived false solicitation by a charitable organization under The Oklahoma Solicitation of Charitable Contributions Act (18 Okl.St.Ann. §552.1 et seq). What I find particularly interesting is the penalties section of the Act stating the following:

Any person who solicits or attempts to solicit any contribution as a charitable organization or for a charitable purpose by means of knowingly false or misleading representation, advertisement or promise or any person violating the provisions of this act, including the filing of false information hereunder, shall lose its status as a tax-exempt organization, and shall be taxed in the same manner and at the same rate as any other corporation, and shall upon conviction be guilty of a felony punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, and every officer or agent of a charitable organization who authorizes or conducts illegal solicitations shall be jointly and severally liable for such fine.'' (18 Okl.St.Ann. §552.18).

I know that your office is continually engaged in prosecuting hundreds of felony cases each year with tremendous success. Any attention that your office could provide to this matter would be greatly appreciated. I intend to highlight the irresponsible activities, like the enclosed advertisement, by groups like NRDC that the federal government subsidizes with hundreds of thousands of taxpayer dollars by way of grants and other financial assistance each year.

Thank you again for your attention to this matter.

Sincerely,

JAMES M. INHOFE,
Chairman.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, April 21, 2004.

Mr. KEN HUNTER,
Council of Better Business Bureaus, Wilson Blvd., Arlington, VA.

DEAR MR. HUNTER: I am writing to bring to your attention an advertisement that ran in the New York Times on March 26, 2004. A copy of this advertisement is attached to this letter. I wanted to highlight issues of concern to me in this advertisement. The New York Times is widely distributed throughout the country. This advertisement makes claims that due to President Bush's policies concerning environmental protection specifically concerning regulations on mercury emissions from public utilities, more toxic mercury will be emitted into the air. It pictures President Bush next to a picture of a power plant billowing with smoke, and specifically solicits contributions to the Natural Resources Defense Council, a IRS designated 501(c)(3) organization, to ''help thwart President Bush's plan to weaken controls on toxic mercury.''

As Chairman of the U.S. Senate Committee on Environment and Public Works, this advertisement was of particular interest to me. One of the issues considered before the Congress is multi-emissions legislation. On December 15, 2003, the Environmental Protection Agency proposed the first controls on toxic mercury emissions from power plants. Currently there are no existing controls on mercury emissions from public utilities. I believe NRDC's claim that President Bush is trying to weaken controls on mercury pollution is completely false and simply an effort to raise contributions.

It is irresponsible enough that NRDC runs false advertising, however, it is also attempting to solicit contributions as a 501(c)(3) organization and self-described charitable organization.

I understand that the council for Better Business Bureaus rates charities by its Wise Giving Alliance standards requiring that solicitations be ''accurate, truthful, and not misleading in whole and in part'' and that charities be required to substantiate all claims. I request that the Council require the NRDC to substantiate its claims and consider this false advertisement in future ratings of this charity.

Thank you for your attention to this matter.

Sincerely,

JAMES M. INHOFE,
Chairman.

Mr. INHOFE. A couple years ago, I read a series of articles in the Sacramento Bee highlighting the facade of many environmental groups. The article made the point that today's environmental groups, like NRDC, are more about their own prosperity than environmental protection. I still have those articles in my office. I thought one particular quote was especially fitting.

The author wrote of environmental groups:

> Competition for money and members is keen. Litigation is blood sport. Crises, real or not, is a commodity, and slogans and sound bites masquerade as scientific fact.

That quote was written in 2001. It is still more true today in 2004. But it is not something new. That quote captures the way NRDC and its cohorts have been doing business for years. They should be responsible. They should be truthful. This type of activity goes beyond what the NRDC does with Federal tax dollars, but I intend to explore what NRDC and groups like it are also publishing and the extent of the rampant false claims made by these groups the American taxpayers help to fund each year.

We are not going to allow this to continue. They are getting into the types of discretionary grants we are dealing with through the EPA and other agencies. It is shameful that it is going on. We are now in a position, with the committee I chair, to do something about it. We intend to do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, might I inquire as to how much time I would have to speak on the floor now?

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa has been allotted 15 minutes to speak in morning business.

REFOCUSING OUR HEALTH CARE SYSTEM

Mr. HARKIN. Mr. President, last week the Labor, Health, and Human Services Subcommittee of Appropriations held a hearing in my State of Iowa. I wanted to learn more about the medical and financial ramifications of chronic conditions such as obesity, tobacco use, mental illness, and lack of physical activity. I come away from that hearing and other hearings that we have had in Washington, and others we have had going back probably over a dozen years, even more convinced that we need to refocus our health care system toward wellness and prevention. I am convinced now more than ever that we really do not have a health care system in America. We have a ''sick care system'' in America. I will say more about that in a moment.

At the hearing and at others before that, we heard the familiar litany of grim statistics associated with these chronic conditions. But we also heard from Iowans, students and adults, who are taking matters into their own hands, doing innovative things to promote wellness and healthier living in their communities.

In the United States we spend in excess of $1.5 trillion a year on health care. Fully 75 percent of that total is accounted for by chronic diseases, such as heart disease, cancer, diabetes. What these diseases have in common is, in so many cases, they are preventable. In the United States we fail to make an up-front investment in prevention, so we end up spending hundreds of billions on hospitalization, treatment, and disability.

This is foolish, and clearly is unsustainable. We need a new paradigm in American health care. We need a prevention paradigm. As I said, right now we have a sick care system in the United States. If you get sick, one way or another you get care, either through health insurance or through Medicaid, Medicare, or something like that. Of course we know we have 43 million uninsured who do not have access, even, many times, to our sick care system. But what we need is a genuine health care system, a system focused on wellness and prevention, a system focused on keeping you healthy in the first place.

Consider the cost of major chronic diseases, diseases that in many cases are preventable. The annual costs for cardiovascular disease are about $352 billion; for obesity, $117 billion a year; for diabetes, $132 billion a year; for smoking, more than $75 billion a year; and for untreated mental illness, $79 billion a year. Indeed, major depression is the leading cause of disability in the United States.

If I bought a new car and I drove that car off the lot and I never maintained it, I never checked the oil, I never changed the oil, I never checked the transmission fluid, never got it tuned up, I just drove it, you would think I was crazy, not to mention grossly irresponsible. The commonsense principle with an automobile is: Pay a little now, keep it maintained, or you are going to pay a whole lot later for a new engine.

It is the same with our national health priorities. Right now our system is in a downward spiral. We are not paying a little now so we are paying a whole lot later. If we are serious about bringing down health care costs, we must get people access to preventive care. We must give people the tools they need to stay healthy. We must build incentives throughout the entire society, incentives for prevention and wellness. This will take a sustained commitment from government, schools, communities, employers, health officials, and of course the food industries. But this can have a huge payoff for individuals and families, for employers, for society, and for the economy at large.

One condition in particular is fast becoming our Nation's leading public health threat: being overweight and obesity. Several weeks ago a new study came out that confirms what many of us already know. Obesity, unhealthy diets, and lack of physical activity have made us a nation at risk. The Centers for Disease Control and Prevention did a study that determined that poor diet and lack of physical activity are now the second leading cause of death in the United States, contributing to at least 400,000 deaths annually.

I think this chart shows the startling statistics very clearly. This is from the Centers for Disease Control and Prevention. The actual cause of death in the United States in 1990 from tobacco was 400,000. By the year 2000 the cause of death by tobacco was 435,000. But look at this. Poor diet and physical inactivity, in 1990: 300,000 deaths; by 2000, 400,000 deaths. So while the cause of death from tobacco use had gone up less than 10 percent in 10 years, the cause of death from poor diet, obesity, and physical inactivity went up 33 percent in one decade. It is now the second leading cause of death in the United States.

One of the authors of this study was the Director of the Centers for Disease Control and Prevention, Dr. Julie Gerberding. The media and the American public increasingly recognize this growing crisis. Seemingly every day I open the paper and read about the public health impacts of chronic disease. A recent cover of the Economist magazine hit the nail on the head. If we don't act now and act aggressively, the progress we have made in promoting health and fighting disease, all of the public health gains we have made in the last couple of hundred years, will be totally wiped away.

I thought this illustration from the Economist showed the progress of humankind as we became more and more like modern man—and then here we are, descending into obesity and overweight. That was the cover of the Economist last December entitled ''The Shape of Things to Come.'' Of course, here he is, drinking his supersized soft drink, walking down the road to chronic illness and disease.

In 1990, 1997, and 2002, the Centers for Disease Control and Prevention did a State-by-State obesity prevalence study. I am going to show three charts which are startling in how they depict what is happening just in the last 14 years in the United States. The first chart I will put up is obesity in the United States among adults in 1990. In 1990, the dark shaded areas here are obesity rates between 10 percent and 14 percent. The light blue areas are States where we have less than 10 percent incidence of obesity. For the white States we just didn't have data. But as you can see, in 1990 no State had a prevalence of obesity over 15 percent—not one. All of the States were less than 15 percent or less than 10 percent. That was in 1990.

Now let's take a look at 1997. By 1997, here we have some orange States coming up now which we didn't see in 1990. The orange States mean that the prevalence of obesity is over 15 percent. Now we have these States with a prevalence of obesity over 15 percent. Remember all those blue States that were less than 15 percent? It is now 15 to 20 percent. So all of the dark areas are now over 15 percent. And only a few States here are from 10 percent to 15 percent, but no State has an incidence of less than 10 percent now. That is just in less than 7 years. That is 1997. Keep in mind now we have these three States, and the majority of the States now are between 15 and 20 percent.

Let's take a look at what happened in 2002. Here is the real shocker. Look at all the orange States. These are the States now where the incidence of obesity is 20 percent to 24 percent. Now we have three red States where the incidence is over 25 percent. We have a few States here below 20 percent. Now we have no States less than 15 percent.

If I could have the first chart of 1990, I want to show the comparison. Here we have in 1990 no States with an incidence of obesity of over 15 percent. By 2002, according to the Centers for Disease Control and Prevention, three States are over 25 percent, the vast majority of States are over 20 percent, and the rest of the country over 15 percent. In 1990, we didn't have one State that fit the pattern we see in the United States now. That is what has happened in 14 years. Now we see even some States exceeding 25 percent. We see the trend.

Actually, the story is even worse than this. The data on these charts is based on self-reported weight, which tends to be significantly understated, as you might imagine. As catastrophic as this chart of 2002 appears, it actually understates the extent of the obesity epidemic. If you use reported data rather than self-reported, obesity rates are much higher. In fact, using this scientific approach, we learned that almost two out of every three Americans are either overweight or obese. Think about that. Right now, only one in three Americans is within their weight range for their height.

Obesity takes a terrible toll on a person's health. It can lead to diabetes, heart disease, high blood pressure, cancer, and numerous other chronic diseases. Incredibly, obesity causes more chronic conditions than either smoking or alcoholism.

This is what this chart shows. This is again from the Centers for Disease Control. We have a higher incidence of the number of chronic conditions associated with health behavior. The No. 1 incidence of chronic condition is aging. The older you get, the more liable you are to get a chronic condition. Aging from 30 to 50 has the highest incidence of a chronic disease. Second only to that is obesity, and it is almost the same. Being obese is like aging from 30 to 50. If you are 30 years old and you are obese, you might as well be 50 years old in terms of susceptibility to a chronic disease.

Here is smoking. It is down here quite a ways. Just being overweight is down here. Drinking, past smoker, and obesity. In fact, right now obesity is, as I said, the second largest killer of people in this country.

Thus far, Congress has not been willing to adequately take on the challenge of obesity and the challenge of encouraging healthy choices and lifestyles. It is time for the Senate to lead in a new direction by encouraging wellness and prevention.

To that end, I am currently working with others on several initiatives to create a healthier workplace and a healthier environment for our Senate family. In March, I sent a letter to the Senate Rules Committee to request that signs be placed next to elevator buttons and at the entrances to stairwells and at the base of escalators encouraging people to use the stairs. Just the other day, I heard someone on the elevator say they wanted to use the stairs, but they didn't because they couldn't find them.

The other day I happened to visit Secretary Thompson down at HHS. They have signs right there by the elevators and the doors encouraging people to take a flight of stairs rather than riding the elevator.

I have also been in discussions with the Senate cafeteria on the matter of food labeling. To their credit, they already have food labeling available on their Web site. But I would like to see the Senate cafeteria go the next step by including nutrition information on menus or handouts that customers can pick up when they enter one of the Senate restaurants. If Ruby Tuesday's can do it and put all of the information

on their menus, why can't we in the Senate cafeterias?

I have also developed what I called the ''Harkin Health Challenge'' to promote wellness for my staff here and back in Iowa. This is a comprehensive workplace wellness program that addresses stress management, nutrition, physical, wellness screenings, and, of course, smoking cessation.

Some believe there should be no role for the government in curbing obesity. Some believe this is a matter of personal responsibility. I don't agree. We can take steps to encourage and facilitate healthy lifestyles. We can make sure ordinary Americans have the tools and information they need to make informed healthy choices and be more responsible for their own health.

We are about to pass a highway bill of approximately $300 billion for highways, roads, and bridges. We tried to get an attachment to that bill to promote bike paths along our highways. I saw a figure the other day about how much less young people ride bikes today than they did 15 or 20 years ago. Ask yourselves as you drive down one of our busy thoroughfares or streets: Would you ride a bike down there during rush hour traffic? Of course not. You look to the side and there are no bike paths. There are no walkways for people to have access. We have streets now that do not even have sidewalks by them, let alone a bike path. I think when we invest taxpayers' money to build highways, roads, and bridges, we ought to mandate that, as a part of that, there ought to be an access for bike and/or walking paths next to those streets.

I have already introduced legislation that would require menu labeling in chain restaurants, but I can already hear objections that this will be too expensive. It will be a burden on businesses, for example, to put all of their information on menus. I mentioned that Ruby Tuesday's already announced plans to implement food labeling in its restaurants. Clearly they don't consider this to be too expensive. They made a hardheaded corporate decision that it was both doable and good for business.

I remember the same objections which were raised when Congress first passed the Nutrition Labeling and Education Act to require labeling of retail foods and packaged foods. But lo and behold, years later, the sky has not fallen. To the contrary, consumers like labeling. When they go into the grocery store, they pick up boxes, cans, and packages and they read the nutrition labeling. They rely on those labels to help them make informed healthy choices.

Consumers say they want nutrition information available when they make menu selections at restaurants. Yet, while they have access to excellent nutrition information at supermarkets when they go to buy packaged foods, when they go to a restaurant, consumers have to resort to guessing and estimating.

What about our special responsibility to the children? The food industry spends more than $12 billion a year bombarding our kids with advertisements through television, movies, magazines, and the Internet. I don't have to tell you that they are not advertising broccoli and apples and orange juice. The majority of these ads are for candy and fast food—foods that are higher in sugar, salt, fat, and calories.

Today, specialty marketing firms have made a science out of influencing children to buy a particular candy or to go to a particular fast-food restaurant. Yes, parents have a responsibility to shield their kids from harmful influences of all kinds. But what about corporate responsibility? What about corporate ethics? What about our Government's responsibility to make sure our children have a healthy environment?

Children, especially those under 8 years of age, don't always have the ability to distinguish fact from fiction. The number of TV ads that kids see over the course of their childhood has doubled from 20,000 to 40,000; meanwhile, the percentage of children who are overweight or obese has also doubled. The percentage of overweight or obese teens has, in fact, tripled. The United States right now has a higher percentage of overweight teens than any other industrialized country.

We also need to take steps to reduce the junk food that our children are getting at schools. The GAO found that 43 percent of elementary schools, 74 percent of middle schools, and 98 percent of high schools have vending machines, school snack bars, or other food sources outside of the school lunch and school breakfast programs. We know that when kids have access to vending machines and snack bars and a la carte lines at school, bad things happen. Kids' consumption of milk, fruits, and vegetables goes down, and their intake of sodas and fried foods skyrockets. This is one more area where Congress has a responsibility to intervene to protect our children.

I had this brought home to me the other day when it was pointed out that a 20-ounce size soft drink—Coke, Pepsi, all the soft drinks—has the equivalent of 15 teaspoons of sugar. I ask: As a parent, would you send your kid to school during the day and say, Here are 15 teaspoons of sugar, please eat this. No parent would want to do that. Yet when that kid goes to school and buys a 20-ounce soft drink, that is exactly what they are getting. And they will probably have two of them during the day. That is 30 teaspoons of sugar in 1 day.

Go home, take 15 teaspoons of sugar, put it in a cup and see if you would like to eat that. Or do 30 teaspoons, the equivalent of what a lot of kids are drinking today. No wonder obesity among teenagers has tripled. No wonder our teenagers in this country are more obese than teenagers in any other industrialized country in the world.

We have a responsibility; parents have a responsibility; schools have a responsibility. But it is Congress that funds the school lunch and school breakfast programs and the nutrition programs. This year we will reauthorize the nutrition program, school lunches and school breakfasts. We will reauthorize that this year.

What will we do as Senators and Congressmen to help promote healthier eating and healthier lifestyle choices among our kids in school? Do we have a responsibility? You bet we do. I hope we will step up to that responsibility when the nutrition reauthorization bill comes through the committee to the Senate.

In the coming months, I will be announcing a package of bills and initiatives focusing on wellness, focusing on preventing chronic diseases. The emphasis will be on nutrition, physical activity, mental health, tobacco cessation. It will stress prevention, consumer awareness, responsible marketing practices, and wellness programs in schools, communities, and the workplace.

We face an obesity epidemic. We face an explosion of largely preventable chronic diseases. We face health care costs and health insurance premiums that are skyrocketing. All of these things are related. We have to meet our responsibilities. We as Senators must set a good example: Walk more, use the stairs more, have information on all of our menus in all of our Senate cafeterias so we know exactly how much trans fats, calories, sodium we are getting with each meal ordered, and also to do what we can in our official capacity to help support wellness and to support healthy lifestyles among our kids in school and at daycare centers. That is where it starts. If we can get the kids and teach them healthier lifestyles, healthier eating choices early on, chances are that is what they will follow when they grow older.

It seems to me the golden rule of holes is this: When you are in a hole and you find it is getting up to your shoulders or up to your head, stop digging. We have dug one whopper of a hole in health care in this country by failing to emphasize prevention and wellness. It is time to stop digging. It is time to focus our attention on healthy lifestyle, prevention, wellness, providing incentives for businesses.

I hear about tax incentives for business to do this, and that we need more tax incentives for businesses to provide wellness and prevention programs at the worksite for people who work in small and large businesses. We need to provide the kind of support for our public schools to provide better choices for our kids, also.

I thank the indulgence of the Chair. I wanted to take this time to talk about this and to alert my fellow Senators that I will be introducing a package of wellness bills and I have been working with the majority leader, a doctor, Senator FRIST, on some of

these items, especially about getting signs posted about trying to use the stairs more often, about getting Senators wearing pedometers and doing more walking, for us to set a good example for the rest of the country.

I am hopeful we can also use the nutrition reauthorization bill this year to make some changes in how we approach how kids eat and what they eat at school and what is available to them in terms of vending machines, soft drinks, sugar, salt, that type of thing, and to get them eating healthier at an early age.

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

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

IRAQ

Mr. BYRD. Mr. President, it is the poet T.S. Eliot who reminds us, as if we needed to be reminded, that ''April is the cruelest month.'' How prescient his words ring this April 2004, as we reflect upon the deepening crisis and the steadily mounting death toll in Iraq. This April, this month in which millions of Americans marked the holiest season of the Judeo-Christian calendar, has been an unholy nightmare for American military forces and American policy in Iraq.

April 2004, 11 months after the President proclaimed the end of major combat operations in Iraq, has proved to be the deadliest month for American forces in Iraq since the onset of the war more than a year ago. Major combat operations may have ended—let me repeat that: major combat operations may have ended—as President Bush asserted nearly 1 year ago, but major combat casualties have not. The ''Mission Accomplished'' banner under which President Bush spoke so confidently on May 1, 2003, has come back to haunt us and to taunt us many times over.

In the weeks and months leading up to the war, Americans were assured by President Bush and his cadre of top advisers—most particularly Vice President RICHARD CHENEY—that we would be greeted as liberators in Iraq, our path to victory strewn with cheers and flowers. Those flowers, it now appears, are less like rose petals tossed at the feet of liberators and more like Eliot's mournful April lilacs—''Lilacs out of the deadland, mixing Memory and desire, stirring Dull roots with spring rain.''

April—April—has indeed become the cruelest month. Memory and desire cannot supplant reality in Iraq. More than 100 American military personnel have been killed in Iraq so far this month, the highest number of deaths in a single month since the beginning of the war. In all, more than 700 American military members have died in Iraq since the beginning of combat. Today, more than 1 year after the fall of Baghdad, America's military forces are being greeted in too many quarters of Iraq, not with flowers—not with flowers, not with flowers—but with gunfire, not with cheers but with jeers, nor as liberators but as occupiers—occupiers—oppressors.

In the harsh glare of hindsight, it is now clear that the President's preconceived notions of the war and the aftermath of the war in Iraq were profoundly flawed. Even the President's Secretary of Defense—one of the supreme architects of the war in Iraq—has been forced to admit that the battle has not gone according to the plan, that the level of casualties, continuing so long after the fall of Baghdad, was neither anticipated nor planned for before the invasion.

And yet President Bush refuses to admit any flaws in his grand strategy to invade Iraq to overthrow the regime of Saddam Hussein without giving adequate consideration to the potential perils awaiting America in the seething streets and towns of post-war Iraq. Despite the fact that debate over the war in Iraq rages worldwide, despite the fact that the American occupation is reeling from unexpected opposition from the very people it was intended to liberate, still the President is hard pressed under questioning to come up with any mistakes that he might have made in dealing with Iraq. What a sad, sad commentary.

In his press conference last week, President Bush acknowledged ''tough weeks'' in Iraq, but he clung to his oft-repeated assertion that Iraq is mostly stable, and shrugged off the violence of recent weeks as the work of a small faction of fanatical ''thugs'' and terrorists bent on imposing their will over the popular will of Iraq.

In this assessment, I hope and pray that the President is right.

For the sake of America's military families, for the sake of the mothers and fathers, for the sake of the wives and children who have had to bear the burden of the increased violence in Iraq, I hope the President is right.

I hope that Iraq achieves stability and security soon. For while Iraq and the world may indeed be better off with Saddam Hussein behind bars, alas—alas—I do not believe that an Iraq in turmoil is either a boon to the Middle East or an asset to the security of the United States.

Instead of reflecting candidly on the current challenges in Iraq, President Bush would prefer to focus on his grandiose, grandiloquent vision for reforming the Middle East. In this he speaks in ideological, almost messianic, cadences as he paints a picture of Iraq as a central front not just in the war on terror but also in a battle of Biblical proportions pitting ''good'' against ''evil.''

President Bush is a man of absolutes. Either we stay the course in Iraq or we cut and run. Those are the two choices: stay the course or cut and run. Either we fight terrorists on the streets of Iraq or we fight them on the streets of New York or Washington, DC. Either we support President Bush's policies absolutely or we give aid and comfort to the enemy. Those are the two choices. Do you believe it? I don't.

No, no, no, a thousand times no. Either-or propositions like those invoked by the President to describe the war in Iraq are nothing more than politically inspired slogans like last year's ill-advised ''Mission Accomplished'' banner, designed to whip up emotions while masking the complexity of national security considerations.

Fighting in the streets of Iraq has not prevented terrorists from striking in Saudi Arabia or Bali or Madrid. Are you with me? And there is no guarantee—none—that it will prevent them from striking again in the United States. Just this week, Homeland Security Secretary Tom Ridge disclosed the formation of a Federal task force to respond to heightened threats that al-Qaida will strike again in the United States, sometime before the November election. Significant events, including the dedication of the World War II Memorial in Washington and the political conventions in New York and Boston, are among those viewed as prime targets for a new al-Qaida offensive.

This is the sobering reality. Osama bin Laden remains at large, and his minions appear to be multiplying, not diminishing. That is sobering. That ought to curl your hair.

If anything, the war in Iraq has served as a rallying cry for anti-American and antidemocratic extremists in the Middle East and beyond. Sadly, given the distraction from the war on terror that the war in Iraq has proved itself to be, the capture or killing of Osama bin Laden, when and if it comes, is likely to be an anticlimactic footnote to a widening and ever more deadly surge in independent national terrorism. Mark my words.

Despite the often invoked and patently misleading conclusion drawn by the Bush administration, cutting and running is not the only alternative to staying the course in Iraq, especially when that course is fraught with disaster. Altering a flawed and dangerous course of action, seeking meaningful support from the international community, is another alternative, one that this President is loathe to acknowledge but evidently more than willing to embrace in the face of the calamity that has befallen his own roadmap for Iraq.

For months, I and others have implored the President to return to the United Nations and to seek a greater role for the U.N. in the occupation, administration, and reconstruction of Iraq. Hear me. Hear me. Long before the war, we begged—didn't we? Yes—we begged the President to seek the support of the United Nations Security Council before invading Iraq. Were our pleas heeded? No. Our pleas fell upon deaf ears.

This administration was confident that it could go it alone. And it said so, did it not? Yes. It said: If you don't do it, we will. This administration was confident it could go it alone with only a threadbare coalition of the willing to paper over its unilateral action. How hollow that confidence now rings. In the face of disaster, in the face of mounting doubts among members of the coalition, the President has now been forced to seek shelter—Help me, Cassius, or I sink—under the wings of the United Nations. The Iraqis have rejected every plan for transition of power put forward by the President's Coalition Provisional Authority. Our only hope left is that they will embrace a plan put forward by the United Nations, the very body the United States spurned when the President chose to invade Iraq without the support of the U.N. Security Council. Irony scarcely begins to describe the current state of affairs.

The fact is, while espousing hard-line rhetoric and ironclad resolve, this administration has ducked and bobbed and weaved at every opportunity. In the administration's ever-shifting explanation for the war in Iraq, the face of our enemy has ricocheted over the past 12 months from Saddam Hussein and his Republican Guard to disgruntled Baathist dead-enders to foreign terrorists taking advantage of the unrest in Iraq to pursue their agenda of jihad to today's vague assortment of thugs and fanatics opposed to democracy for Iraq.

We hear the refrain. We hear the refrain: Stay the course. Stay the course. Stay the course. Well, exactly what course is it we are supposed to be staying in Iraq? Is it to furnish more boys as cannon fodder? What is meant by stay the course? Is it to furnish more of our young men and women as cannon fodder to die in the streets of Iraq? Is that what is meant when we hear the refrain: We shall stay the course, we must stay the course?

The President failed to explain what that is supposed to mean to the American people at his press conference. How did we get from protecting the United States from the threat of weapons of mass destruction to the vague notion of fighting extremists opposed to democracy in Iraq? The President failed to explain that fact as well. Where were those extremists before the invasion? Why is it that they are emerging in force only now, a full year after the fall of Baghdad? Could it be that this administration has created America's own worst nightmare because of its colossal arrogance, its clumsy mistakes, and its painful misjudgments on virtually every aspect of the war in Iraq?

These are not the questions of an unpatriotic or reckless opposition. Where are the voices today in this Senate? It is not unpatriotic to ask questions. It is not unpatriotic to voice opposition to the policies of this administration. These are not questions intended to demoralize America or to hearten our enemies. Rather, these are the questions that a free and open society—the kind of society that the President envisions for Iraq—is expected to pose of its leaders. These are the kind of questions that a democratic nation's leader is beholden to answer. Dogmatic admonitions and grandiose allusions will not suffice. In a democratic society, the people demand and the people deserve the simple and unvarnished truth. So do the people's representatives in Government. They, too, demand, they are entitled to, and they deserve the simple and unvarnished truth. Congress also demands and deserves the simple and unvarnished truth from the executive branch.

This is a coequal branch of Government, Mr. Bush. As a coequal branch of Government, as the body in which the Constitution vests the power of the purse, Congress requires the truth from the President, from the executive branch, from the Pentagon, from the Defense Department, from the State Department, from the White House. This is what makes recent allegations in Bob Woodward's new book regarding the redirection of appropriated funds into clandestine appropriations for the war on Iraq so disturbing, and the American people ought to be disturbed. The American people ought to ask questions, and their representatives in this body ought to ask questions. If the President, as alleged in this book, made the decision to wage war against Iraq and secretly spent appropriated funds to prepare for that war without prior consultation with Congress, then the letter of the law, the intent of the law, the spirit of the law, and the constitutional power of the purse have been subverted This would be not only a very grave breach of trust on the part of the executive branch, on the part of the administration, but also a very grave abuse of power.

Mr. President, I hope with all my heart that Iraq will emerge from the current chaos to become a free and democratic nation. I hope with all my heart that the sacrifices that America's military forces have endured in Iraq will be validated by reality, and not justified merely on the basis of wishful thinking. The path forward is not yet clear, but this I know: President Bush led America into a preemptive war that was neither dictated by circumstances nor driven by events. President Bush led America into a war of choice, a war that might well have been avoided with patience and prudence. Would that we could read that ''April is the cruelest month'' without reflecting on the cruel and terrible toll that the war on Iraq has taken on America's men and women in uniform in Iraq during this bloody and sorrowful month of April.

It is said in the King James version of the Holy Bible that of those to whom much is given, much is required. Mr. President, much is required of this administration and this President with regard to Iraq. The American people expect answers, the American people expect a judicious strategy, and the American people expect a well-thought-out military and diplomatic campaign. On all fronts, the American people have been let down. A President who wages war and manages the aftermath of war by the seat of his pants is not what the American people either expect or deserve. I fear that is what they are seeing in Iraq.

This President, having blundered into this war in Iraq, does not have much time left to get the stabilization of Iraq right. We have spent our blood and treasure in Iraq, and it is now time—past time—to aggressively explore ways in which the burden on Americans can be mitigated. It is time to abandon the go-it-alone attitude, the go-it-alone, cocky, arrogant attitude established by this President.

It is time—long past time—for the President to admit to mistakes made, to forsake his divisive either/or rhetoric, and to seek a way out of the deepening morass of Iraq with the full partnership of the United Nations, the region, and the international community.

President Bush needs to drop all pretensions that the war in Iraq and the battle for stability are going according to plan. Only by accepting the fact that a bold new direction is needed to untangle the mess in Iraq can this President extricate the United States from what is fast becoming a quagmire. It is time for the President to set aside his pride and to convene an international summit on the future of Iraq, composed of representatives of the Iraqi people, their Arab neighbors, NATO, and the United Nations. Then and only then will the Iraqi people be in a position to chart their own future with the help of the international community. Then and only then will the United States be able to relinquish ownership of the tiger that it now holds by the tail.

America must alter its course in Iraq to deal with the volatile vacuum left by the fall of Saddam Hussein's regime. America must be prepared to fight terrorism wherever it rears its ugly head and not be lulled into the false belief that attacking terrorists overseas will stop them from attacking America on its homefront. Above all, Americans must never be cowed into believing that questions are somehow ''unpatriotic'' or that Presidents, even wartime Presidents, are ever above answering them. And finally, Americans must remember that in this country there are no kings.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORZINE. Mr. President, I rise today to talk about S. 2290, the pending bill on asbestos legislation before the Senate. Like many of my colleagues before me, I also want to express great frustration because it does not seem as though we are moving the ball down the field on something that I think a lot of us believe is a very important issue. It is one that demands to be addressed and looks for a legislative solution that we are all trying to find.

Among the many issues that I hear about from my constituents, this is one that very frequently shows up in our discussions and at townhall meetings. A lot of people have suffered devastating injuries after exposure to asbestos. Families have lost loved ones. It is a real deal in people's lives.

I have heard from companies, CEOs, and people who are trying to manage their company's liabilities, and it is a real problem. Insurance companies, many of which are headquartered in my State, have spoken about this issue and my old industry, the financial industry, is concerned about the penalties and its implications in the capital markets that are imposing very severe costs on defending companies and insurers because of the crisis. This is something that we ought to address.

Unfortunately, our current system is not working, and that is a reality for those who need it. It is not working for the defendant companies that want certainty for their business planning. It is not working for insurance companies that face accelerating claims, and it is certainly not working for asbestos victims. We need to make sure those who are truly injured receive the compensation they deserve in a timely fashion and on a basis that is fair to all involved. It needs to be done. We need to address it.

Decades of asbestos use and a cover-up of its health effects have resulted in a massive occupational and environmental health crisis. By the way, we are still having exposure developed by a lot of the imports that we are now receiving into our Nation, where some of those who manufacture abroad are not dealing with the issues we have begun to deal with. It is a real killer, a silent killer, physically but also emotionally debilitating to many people across America.

Medical costs associated with asbestos-related diseases are astronomical. They are off the charts. It is not a matter of millions. It is billions and it is an annual affair and it cries out to be addressed.

Hundreds of thousands of workers and their family members have suffered and died from asbestos-related cancer and lung diseases. I think the number is about 10,000 die each year. Approximately 24 million have been exposed. In my home State of New Jersey, which is an old manufacturing State, 2,700 people have been killed by asbestos since 1979, and two of our counties in New Jersey are in the top 10 in the Nation in those asbestos-related deaths. That is Camden and Somerset Counties. So this is a real deal for us. We would like to see this addressed.

We cannot ignore the tragedy of these asbestos deaths and injuries. We can and we should be able to come up with a workable solution. As I said, like many of my colleagues, I would like to see a national trust fund to compensate victims through a no-fault system, ensuring that those who are most injured receive a just award as quickly as possible. It should not be going on for 5 or 10 years. I hope we can agree that we need to focus on paying those who are truly sick and that we must pay those people fairly.

That is why I was pleased last year when the Judiciary Committee held bipartisan hearings on the issue, had bipartisan negotiations, and seemed to be making progress towards arriving at a fair and balanced solution. Unfortunately, last year the Judiciary Committee reported out a bill that did not have broad bipartisan support and was not, in my view at least, balanced in its approach to the issue.

The bill before us has gotten worse. Good amendments that were added in committee have been dropped, and the size of the fund, frankly, is at the low end of anyone's expectations of what is appropriate.

I will take a few moments to discuss what I see are some of the most glaring flaws in the bill that we are debating and reasons, at least right now as it stands, I cannot support it. First, the size of the fund is quite simply out of touch with reality. I hear estimates of anywhere from $100 billion to $300 billion as the cost of settlement that people would expect for the probability of the associated problems with asbestos, and we have picked the low end of that number as the basis on which we are going to deal with it. The bill that was reported out of committee would have had $153 billion, and we have come up with $109 billion, absolutely at the very low end of any of the national estimates, any of the academic estimates of objective outside observers. We are starting at the wrong place in the negotiation.

In addition to the anemic overall funding, the bill has other weaknesses. For example, the Hatch substitute deprives victims of exposure adequate compensation. Awards just remain far too low for many victims with serious diseases that are an outgrowth of this. Funding would not pay for victims' medical bills, let alone compensate their families for any type of hardships.

To give an example, a worker with 15 years of asbestos exposure and lung cancer would be guaranteed only $25,000 in compensation. I do not see how that relates to the risk of life that individuals would be taking in that context.

In another example, victims with asbestos who lose 20 to 40 percent of breathing capacity or are disabled from work will receive only $85,000 for lost wages and medical costs. These numbers do not fit the circumstance. Now, $25,000 barely gets a family of four above the poverty line, and we are talking about $25,000 and $85,000 in lost wages and medical costs that accrue to those things. We are not in the right ballpark.

The pending bill also guts a Biden amendment adopted in the committee with strong bipartisan support to protect victims' rights in the event of fund insolvency. It would allow that once the fund was insolvent, if that $109 billion was not enough, then bring claims back into State court. That was overwhelmingly supported in committee.

Given the low level of funding in this bill, insolvency obviously is a problem. I believe it is unfair to ask the victims to give up their rights to enter into a fund without knowing that fund would have sufficient assets to cover the claims, and where do they go in those circumstances. So it is another major problem.

The pending bill would also treat victims with pending claims unfairly. This one is really hard to swallow. It would wipe out the claims of more than 300,000 people who have claims pending in the current system, even those who have already received jury awards.

We are looking back into history and changing history. I don't understand why, when we have had a judicial process, we have come to a conclusion or we are even in the process of that, we want to stop, start all over and move people into another system. It does not strike me as consistent with a commonsense sense of fairness. If you have an award, it ought to go through.

In addition, the bill significantly weakens key provisions that would protect victims without an effective remedy during the transition to a new system. The bill also lacks transparency with regard to companies and insurers and how they are going to contribute to the fund and in what amounts, which makes it difficult to determine whether companies are paying their fair share.

By the way, there is a lot of hooting and hollering among the insurance companies. A lot of them oppose this because they don't know what their deal will be. There is no certainty here, either for the victims or for a lot of the people who are going to participate here in funding this trust fund. That doesn't make sense and I think it is a real problem that also needs to be addressed. We need to amend it.

It also contains a windfall for certain companies. While we are taking it away from some folks, we are certainly giving it to others. It contains this windfall with regard to Halliburton, which has an estimated $4.8 billion in asbestos liability, but would only have to pay $1.2 billion under the Hatch-Frist bill. Why them? Why are they getting such a break, particularly after a judgment has already gone through? It is sort of the reciprocal or the reverse of what we already were talking

about with a lot of individuals. They are going to get slammed and somebody here is going to get the advantage. They are going to apply it in a way that is very uneven and lacking in balance. That should be addressed.

This is not a fair and balanced approach to this problem. It is not fair to the injured victims or the families of those who died, and it is not fair to companies that want relief from the growing problem, and it doesn't provide for the certainty and planning I think corporate America is looking for.

Let me take a moment to discuss what I think is also a misleading claim by supporters of the bill. This one is actually hard to understand, how this gets any circulation at all. Unfortunately, this administration, as a lot of us have talked about on other occasions, has been weak in the record of creating jobs. I don't have to go through the litany of 2 million lost jobs, 8.4 million unemployed Americans, 2.6 million private sector jobs lost. That was the only period of time, actually, since the Depression an administration has more than likely overseen a period of decline in job growth in the country. But somehow we have decided this is a jobs bill; somehow this is going to create jobs.

There are those who will argue many of the asbestos companies have been forced into bankruptcy and that cost has seriously damaged the American economy, particularly as it relates to jobs. The facts don't meet the description. This is sometimes a fact-free arena. We make assertions and do not necessarily follow through. But if anybody does any serious analysis of what goes on in these companies that have gone through these reorganizations under chapter 11 protection, they will know they have been able to use this device as a means to manage through their obligations and they are able to pay out some of their responsibilities but it has kept their companies going. The truth is, they have not gone out of business, many of them—most of them. Some are doing better than ever.

Let's take Halliburton, since I mentioned it once before. Halliburton has agreed to compensate the innocent victims and companies poisoned with a settlement of more than $4 billion. That is, of course, unless we pass this legislation, then only $1.2 billion. In order to pursue this settlement Halliburton has agreed to put two of its companies into chapter 11 temporarily until a court approves a trust arrangement to compensate asbestos victims.

Meanwhile, Halliburton on its own Web site is telling its customers that it:

> . . . will continue in business and will continue to provide all the excellent services our customers expect from us. In other words, outside the asbestos and silica settlement, it will be business as usual.

In what kind of shape are these companies that have chosen chapter 11 reorganization? The answer can be found in a new analysis conducted by Professor George Benston of Emory of the seven largest asbestos companies that sought chapter 11 bankruptcy reorganization protection in 2000 and 2001. This is a real study by someone trying to bring an objective perspective. Professor Benston studied the asbestos companies and compared them to companies in their business that did not declare bankruptcy reorganization in order to determine how successful their operations would be under the supervision of the bankruptcy court. He concluded:

> On the whole, they essentially have increased or stabilized their sales, assets, employment, and profitability, and have projected increases. It is fair to say they are viable and likely to be increasingly successful companies that should generate funds to exit bankruptcy significantly stronger than when they went in.

We are doing this because this is a jobs bill, when it is fair to say they have increased or stabilized their sales, assets, employment, and profitability, and have projected increases. Somehow or another, objective evidence doesn't seem to match with the claims. This is hardly a jobs bill. The argument falls apart on the surface of it, as far as I can tell.

So while I am sympathetic to the corporations that generally want to fulfill their obligations with respect to asbestos victims and certainly I have an appreciation for their desire for serious financial planning, if this asbestos bill is the best we can do, the administration can do, the leadership—Senator FRIST and Senator HATCH—can do to create jobs in our country and address this problem, then I think we have a lot higher objectives for which we need to set our standards.

That is why I think we ought to have a full debate. We ought to have a lot of votes on amendments that will actually address a number of these problems we talked about. I hope we can get back to those bipartisan negotiations, away from this floor, where we can talk about the size of the trust fund, we can talk about some of this ex post facto analysis about who is benefiting and who is not; where we can make sure the general awards to victims are actually higher and there is some serious backstop if the fund doesn't actually have the resources to be able to deal with these issues.

We sure the heck ought to stop talking about this in a context that makes no sense in economic reality, that this is a jobs bill. I go back to this. This is one of those things I think Americans across the board want to see Congress act on. This is not something that has a Republican or Democratic label. We want to find a resolution. I want to find a resolution. We have to do that in a fair and balanced manner. I thought the Judiciary Committee made a lot of progress on this on the bill they reported out. That is not what we are working on.

I don't understand why we don't turn the clock back just a little bit and get on with some of the hard work that was done when we came up with some of these bipartisan approaches to deal with this very thorny issue. On the basis of offering a helping hand to many victims and their families, for companies that need to have stability in their balance sheet and the ability to make plans for the future, to reduce the caseload we have in our court system, there are a lot of reasons we ought to be moving in this area. We are not pulling together, sitting down and negotiating a transaction formulation of legislation that makes sense for everybody.

Everyone is going to have to give a little bit, but this is something that could be done if we wanted to go to work to make it happen. The will is there. Certainly the demand is there. I think there is a lot of ground for positive, constructive dialog.

I yield the floor and 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. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Nebraska. Mr. President, I appreciate this opportunity to speak today regarding the Fairness in Asbestos Injury Resolution Act. As debate draws to a close on the motion to proceed to consideration of this bill, I take a few minutes to express my appreciation to those who have worked so hard over the past several years to find a solution to what has become an enormous—and continues to grow every day—problem. I offer my views as to how this process can be revived and lead to a satisfactory resolution yet this year.

First, a bit of history will be helpful. Soon after I arrived in the Senate in 2001, I approached then-Chairman LEAHY of the Judiciary Committee and indicated to him that I thought legislation was necessary to come up with a solution to compensate asbestos victims; if we worked on it in an appropriate fashion, it could be passed. I knew the process would be long and difficult, but I thought it was worth pursuing. If we did not begin, we would never conclude that solution. Senator LEAHY very graciously agreed and held hearings to explore the feasibility of this approach.

Following the elections of 2002, Chairman HATCH continued those efforts and began formulating a legislative proposal. I agreed to cosponsor that legislation, not because I supported everything in the bill, but because I believed it would provide an incentive for those with a major stake in the resolution of this issue to begin discussions aimed at solutions.

That strategy worked. Discussions began, the major issues were framed, the Judiciary Committee held 4 long

days of markup, and a bill was reported out. However, there were problems with the bill. Still, the process was moving forward. Sometimes it felt like one step forward, two steps backward. But stakeholders continued to negotiate.

Senator SPECTER, to his credit, brought the parties together and worked on the array of issues other than values and dollar amounts. That process was also extremely helpful in bringing us to the point where we are today.

The majority leader has now incorporated a number of the elements of the Specter-Judge Becker negotiations into the bill before the Senate. Unfortunately, the bill before the Senate is not complete. It still lacks a consensus among the major stakeholders. That is why I have chosen not to cosponsor this substitute amendment when I was asked to do so. It simply, in my judgment, is not ready. Several major issues have not been resolved. I don't believe this is a bill that can be written on the floor of the Senate.

I do believe a solution can still be achieved yet this year if the leaders will make a renewed commitment to continue the process. With a very limited time agreement, no more than 2 or 3 weeks at the most, and with active involvement by leadership, I believe we can reach a solution. It may inevitably be a solution that is least objectionable, but at the very least we can arrive at a solution that almost every stakeholder can accept.

As a matter of information, a constituent of mine by the name of Warren Buffett—some of you may have heard of him—expressed to me his view that there probably is not anything more important that the Congress can do for the economy than to resolve this issue which continues to overhang our economy. The economic impact is important.

Of course, the most compelling reason to find a solution is not simply to provide certainty to the economy; it is, in fact, to provide relief to the many victims of the debilitating and deadly illnesses caused by asbestos.

I know my colleagues understand the scope of the problem before the Senate. The suffering of the victims and their families has been brought home to each of us. We all have many examples of those unfortunate victims and their situations. But I would like to personalize it for my colleagues.

When I served as Governor, I had the pleasure of appointing an Omaha attorney by the name of Mike Amdor to the Nebraska District Court bench. Mike Amdor was a very good friend. I had known him and his family for years. His father had gone to law school with my late father-in-law. I knew his mother when she was alive and worked with his father in the insurance business.

I appointed him to the Nebraska District Court bench. He was a bright and vibrant lawyer, and he came to be a trusted and respected jurist. But more important, he was a consummate family man, a devoted husband, a father of five young children.

In late 1999, he began to experience serious health problems and was soon diagnosed with mesothelioma. Despite a courageous and painful fight with the disease—and it looked at times as though he might be able to beat the odds and survive—he, unfortunately, passed away on November 28, 2002. Mike had been exposed to asbestos as a young man working his way through college and law school. We all know that virtually the only cause of mesothelioma is exposure to asbestos.

Mike's family pursued legal action against those responsible for his exposure and obtained a series of settlements totaling $655,000. However, to date, his widow and five children have realized a total of $56,463.76 on those judgments. Fifty-six thousand dollars and change: less than 10 cents on the dollar because the defendants were bankrupt. Under the terms of the trust fund legislation, which we are debating and working to achieve, his widow and family could receive $1 million.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter which I received yesterday from Judge Mike Amdor's widow.

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

OMAHA, NE
April 20, 2004.

Re Mike Amdor and the Fairness in Asbestos Injury Resolution Act of 2003, The FAIR Act, (S. 1125) Renumbered S. 2290.

Senator BEN NELSON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NELSON: I am writing to thank you for sponsoring the Fairness in Asbestos Injury Resolution Act of 2003. Your continued support of this legislation is very important. As the spouse of a victim of asbestos I have a personal interest in the success of this bill. There are many others in the same situation and our numbers will continue to grow because the onset of many of the effects of asbestos exposure are not seen for many years.

You are familiar with the illness and death of my husband, Michael Amdor. Please allow me to give you a short history of his exposure to asbestos and the subsequent deadly illness he suffered.

After finishing high school Mike worked at Physician's Mutual Insurance during the summer of 1965. He worked in the mailroom while an elevator was being installed through the existing walls of the building. At this time there were no existing requirements to contain the asbestos being disturbed or removed during renovation of existing buildings. In 1971 Mike worked for Northwestern Bell, now Qwest, in downtown Omaha, NE. He was a computer operator and his job did not involve using asbestos products. However, the building was being remodeled during the time he was employed there. The crews doing the remodeling during the daytime wore some protective equipment because of the known presence of asbestos in the area being remodeled. The overnight computer staff were neither warned of the asbestos nor given any protection from the particles that were in the air and on the surfaces of the tables in their lunchroom.

Fast forward to the fall of 1999. Mike and I had been married almost 30 years. We were raising five children, Erin, then 20, Diane, 16, Sara, 15, John, 12, and Bennett 10. Mike was a District Court Judge, and deeply honored that you had seen fit to appoint him while you were Governor. As the holidays began, Mike noticed a sudden weight gain and enlargement of his abdomen. After Christmas it became so uncomfortable that he went to see our family doctor on December 30, 1999. The doctor was very alarmed by Mike's appearance and arranged for him to be admitted to Immanuel Hospital the next day.

Following 3 weeks of tests by several doctors, we received the diagnosis of Perotoneal Mesothelioma. The prognosis was devastating, a 50 percent chance of living another 6 months and 18 months as the most optimistic life expectancy. Mike began chemotherapy at the University of Nebraska Medical Center and we searched for information on this disease. Virtually all of the information we could find indicated that the only cause of Mesothelioma is the exposure to asbestos and that the time between exposure and illness could be 30 years or longer.

After 6 months of chemotherapy, Mike was stable and we dared to hope that he would make a complete recovery despite the dire descriptions we were able to find about this disease. In June of 2001 the tumors began to grow and Mike again needed to undergo chemotherapy. This time he did not respond to the treatments. We sought other options and Mike entered a Clinical Trial at the National Cancer Institute (NCI) located in Bethesda MD. He underwent 12 hours of surgery and intraperitoneal chemotherapy in December of 2001. After a week in intensive care he began to improve. We were able to return to Omaha on December 31, 2001. He had been fighting this disease for 2 years and once again we hoped for a reprieve from the death sentence he had been given.

Sadly that was not to be. In August of 2002 the disease again began to progress. Mike underwent weekly procedures to drain the fluid accumulating in his abdomen and then his lungs. Additional attempts with chemotherapy were unsuccessful. Even after he needed supplemental oxygen to assist his breathing he continued to work at the Court House nearly every day.

Mike died on November 28, 2002. Nothing will make up for the loss of his presence in our lives. He had so many things left undone. Our children had to see the suffering and death of the most important man in their lives. Only Erin is through school and living on her own. Diane is a sophomore at Duquesne University. Sarah is a freshman at Creighton University. John and Bennett are students at Creighton Prep. I have lost the love of my life. Few people are lucky enough to know the joy we found in each other. And few can understand the loss of such a special person. One of the first things I ever heard Mike say was my name. His final word, spoken with his final breath, was my name.

Mike worked at the Court House until 2 days before his death. He knew he was very close to the end of his time on earth. He continued to provide justice to others even though he knew there would be no justice for him in this world. The Congress alone now has the ability to provide some measure of justice to the victims of asbestos by providing equitable financial settlements to them and their families.

I trust you will also support efforts to prevent future exposure to asbestos by supporting the passage of legislation to prohibit the use of this deadly material anywhere in the United States. These measures are needed to insure that no new victims are exposed to the cause of such deadly diseases.

As he continued to work and receive treatment, Mike contacted an attorney familiar with asbestos cases. Michael J. Lehan represented Mike and now myself in efforts to

seek some compensation for his illness and death resulting from asbestos exposure.

Mr. Lehan filed a Workers Compensation claim with Qwest and Physician's Mutual Insurance Company because Mike believed he had been exposed at both work sites. Before a formal hearing could be held, Qwest accepted his claim and began paying Mike's medical bills. After his death I began receiving a death benefit under this claim.

In addition to the Workers Compensation claim, Mr. Lehan filed several lawsuits against companies that manufactured or provided asbestos materials that Mike thought he might have been exposed to. As a result of these suits, we received several settlements, which were subject to attorney's fees and expenses. The first Settlement was from Owens-Illinois Inc., for $20,000.00. We received $11,633.34. In March of 2001 Celotex Corporation offered a settlement of $8,500.00. We received $4,266.00. Eagle Picher Industries Trust offered a settlement of $6,500.00. This company has filed bankruptcy and there was very little money for asbestos claimants. After attorney fees and expenses we received $3,333.33. Another company in bankruptcy, H.K. Porter made a settlement of $20,000.00. Because of the limited assets of the trust the payment value was $920.00, and we received $563.00.

In March of 2002 AcandS, Inc. made a settlement offer of $600,000. However, they have filed for bankruptcy and they are unlikely to pay anymore than the $58,584.00 first payment they made before filing. We received $36,628.09 from this settlement. Mr. Lehan has told me that it is unlikely that much more will be paid of this settlement.

The FAIR Act with the proposed amendments offered after S. 1125 was reported out of Committee last July would assure compensation for Mesothelioma victims such as Mike and at this time offers the only hope for any meaningful compensation for the loss we have suffered.

Many of the companies directly responsible for the asbestos exposure of Mike and millions of others have either filed for bankruptcy or found other ways to shelter themselves from responsibility to their victims. The FAIR Act would provide compensation for many families and avoid the abuse that sometimes takes place in our current tort system. Exposure to asbestos in and of itself will not always result in illness. When it does there should be resources available to the victims and their families.

Thank you for taking the time to read this lengthy letter. Mike was such a just man and had great faith in our systems of law. No amount of monetary compensation can replace the loss of Mike and the many thousands of other Mesothelioma victims, he believed that there would be a way for the system to insure that his family and others would at least have some measure of financial security provided by those most responsible for the continued use of asbestos.

Please let me know if there is any way that I could assist you in seeing this important legislation enacted into law.

Gratefully,

CATHLEEN C. AMDOR.

Mr. NELSON of Nebraska. Mr. President, it is imperative we get this resolved. This legislation, unfortunately, is not complete. But it could be completed, and completed relatively quickly, with the right approach. And the right approach is to put the stakeholders in a room, with guidance from the leadership on both sides of the aisle, with a firm deadline, and with a firm charge to come to a resolution. It can be done, and, moreover, it should be done.

The judge's case is a tragedy, but it does not stand alone, unfortunately. There are hundreds, yet thousands, of cases similar to Mike and Cathy Amdor's. There will be future victims who will not receive compensation because there will not be anybody left to collect from. I am committed to the trust fund approach because I believe it represents the best opportunity for those who are sick, and those who will become sick, to obtain reasonable compensation for their suffering. I remain optimistic that it can be done if we demonstrate the resolve, the determination, to put politics aside and get it done.

We are now on the threshold of floor action on the bill. I urge the leadership to renew their commitment to a process which I and others on both sides of the aisle believe can still work. Fair treatment for thousands of asbestos victims is at stake, and we have come too far to quit now. We must make the final push to reach consensus.

Again, I commend the hundreds of people who have spent thousands of hours working towards a solution. Those who have struggled with this issue have worked in good faith, determined to find the mechanism to compensate those victims and those who will in the future fall victim to asbestos. I still believe we can do this, and I know with absolute certainty, though, that we must.

Mr. President, I appreciate this opportunity to address the body today. I hope my colleagues will join together in asking our leaders to work together to come up with a solution that will meet the needs and will meet the opportunities that this legislation represents. But I think it has to be other legislation. This legislation is not yet ready to be passed. But with a very brief period of intense negotiation and working, with the support of the leaders, I do believe it can be. In the final analysis, it must be.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of the motion to invoke cloture on the asbestos bill. I say to my good friend from Nebraska, with whom I agree on so many issues, and work so very closely with, I think this bill is ready because it is a bill we have been negotiating for months and months and months, and a bill on which great compromises have been made on both sides of the issue. I do think it is time we invoke cloture, that we bring this bill to the floor, and that it be open for whatever amendments may be necessary by those who disagree with it, but let's have a vote on it.

Asbestos-related bankruptcies have inflicted a staggering toll on the American workforce. Companies that have declared bankruptcy because of asbestos-related litigation employed more than 200,000 workers before their bankruptcies. So far, asbestos-related bankruptcies have led to the direct loss of as many as 60,000 jobs, while each displaced worker will lose an average of $25,000 to $50,000 in wages over his or her career. For example, when Federal Mogul declared bankruptcy in 2001, employees reportedly lost more than $800 million in their 401(k) plans.

The AFL–CIO has testified before Congress that:

> Uncertainty for workers and their families is growing as they lose health insurance and see their companies file for bankruptcy protection.

There is no question that the escalating claims and costs are a threat to workers' jobs and retirement savings. The AFL–CIO further testified that ''the tort system is damaging business far more than it is compensating victims'' when it comes to asbestos-related cases.

One economic study found that, considering the multiplying effect of private investment, failure to enact asbestos legislation could reduce economic growth by $2.4 billion per year, costing more than 30,000 jobs annually. Extended over a 27-year timeframe—which is the timeframe of this bill—this would translate into the loss of more than 800,000 jobs and $64 billion in economic growth. Another study concluded that 423,000 new jobs will not be created due to asbestos litigation, and $33 billion in capital investment will not now be made, unless we bring this bill to the floor and pass this asbestos litigation bill.

Asbestos-related bankruptcies threaten American workers' jobs, incomes, job-related benefits, and retirement savings. To date, approximately 70 or more companies—35 since the year 2000—have been driven into bankruptcy as a result of asbestos litigation. Forty-seven States have had at least one asbestos-related bankruptcy.

How does this translate into lost jobs? As I have already said, these bankruptcies have led to the direct loss of at least 60,000 jobs. Many of the affected companies are highly unionized. If this direct impact is not bad enough, we have plenty of additional collateral damage from these lost jobs. It is estimated that for every 10 jobs lost as a direct result of an asbestos-related bankruptcy, an additional 8 jobs are lost. Each worker who has lost a job as a result of bankruptcy will lose an estimated $25,000 to $50,000 in wages because of periods of unemployment and/or lower wages in subsequent employment. Moreover, each worker loses, on average, at least 25 percent of the value of their 401(k) retirement account as a result of their company's bankruptcy.

While we are on the subject of retirement savings, asbestos-related bankruptcies have an adverse impact on the retirement savings of millions of Americans. We have already seen how badly these bankruptcies impact the retirement savings of individual investors. We have seen the devastation to employees of bankrupt companies whose 401(k) retirement accounts hold

their employers' stock. And we have seen the damage to those whose pension funds have invested in companies driven into bankruptcy as a result of asbestos-related cases.

All one has to do is look at a couple of examples to get a sense of the dramatic negative impact that asbestos-related bankruptcies have had and will continue to have on retirement savings.

Owens Corning stock, 14 percent of which was owned by its employees in their 401(k) accounts, lost 96 percent of its value, dropping from $1.8 billion to $75 million in the 2 years before its bankruptcy filing in October of 2000.

Then there is the example of Federal Mogul. At the time of Federal Mogul's bankruptcy in October 2001, 22,000 of its employees owned 16 percent of the company's stock, stock that lost 99 percent of its value or more than $70 million. Between January 1999 and the time of its bankruptcy, Federal Mogul's market capitalization dropped from $4 billion to only $49 million. And by the way, Federal Mogul never, ever produced asbestos. It simply acquired a company with asbestos liability. Federal Mogul's stock, which once traded for more than $70 a share, now sells for pennies. Company retirees who once had secure retirement nest eggs must now work minimum wage jobs to survive.

One Federal Mogul retiree told the Detroit News he managed to salvage most of his retirement savings by selling the company's shares before the bottom fell out. But unfortunately, his 82-year-old former colleague was not as fortunate. Because he held on to his Federal Mogul stock, his $1 million retirement plan evaporated to $22,000. As a result, this individual now works as a greeter at a Wal-Mart store—a very credible job, but he didn't take the job because he wanted to meet people. He simply needed to eat.

The runaway asbestos litigation crisis must be brought to an end. The economic data we have seen is troubling because it shows that asbestos litigation creates job losses. American workers and retirees cannot afford to continue shouldering the weight of Congress's failure to act. In fact, we create a class of economic victims by our inaction as companies go into bankruptcy and people lose their jobs.

What I find truly ironic is my colleagues on the other side of the aisle who have repeatedly stressed the importance of protecting American jobs want to block us from considering a bill that squarely addresses this very objective. If protecting American jobs is a priority, then I strongly urge my Democratic colleagues to rethink their position on the Frist-Hatch-Miller asbestos bill or at least vote for cloture on Thursday so we can get an up-or-down vote on the merits of the bill and in the process we can consider what amendments they think might be proper.

I have not been one to pound on my former colleagues in the trial bar. During my 26 years of practicing law, I engaged in plaintiffs' work as well as defense work, and they are very noble parts of our great legal profession. This bill is not directed at trial lawyers, as some have indicated. This bill is directed at two different segments of our society and our economy. First of all, at those companies who are now struggling because of the asbestos-related cases facing them; they are facing bankruptcy if we don't act. We are going to continue to see the loss of jobs directly attributable to the failure on the part of this body to act. The second class of folks this bill is directed to are the victims. Under this bill, the way it is crafted, these victims don't have to file a lawsuit. They don't have to go through the long, drawn-out discovery process that is a necessary part of every lawsuit. They don't have to go through a trial by jury and let a jury of their peers determine what their compensation ought to be. They are compensated directly and immediately when their injury is brought forward.

The fund we establish is a fund that is going to be here forever and ever. We started out with a demand, as the Presiding Officer knows, since he is also a member of the Judiciary Committee, from the folks on the other side of this bill, that we have a trust fund that has $107 billion in it. We resisted that early on. We started out with about an $86 billion proposal. That $86 billion steadily grew until we not only got to $107 billion, we exceeded $107 billion. The trust fund that is set forth in this bill before the Senate today is set at $114 billion. In addition, we have a 10-percent overage fund that can come into play if need be, if that $114 billion is exhausted.

Beyond that, even if all of that money is exhausted in asbestos-related claims, anyone who has a true asbestos-related injury can then go back to the process that is now in force, the legal system we have. So nobody stands to lose in the process. The American worker stands to gain. The injured asbestos victims stand to gain by the passage of this bill.

I urge my colleagues on Thursday to join those of us who are strong supporters of the legislation and vote to invoke cloture. Let's bring the bill to the floor. Let's debate it. And then let's have an up-or-down vote on the bill. Let's compensate those victims who so badly need it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes. I would like to speak about my trip to Iraq and Afghanistan and welcome home the Bravo Company of Fort Carson, CO.

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

THANKING THE MEN AND WOMEN IN UNIFORM IN IRAQ AND AFGHANISTAN

Mr. ALLARD. Mr. President, I rise today to share my thoughts with my colleagues about the courageous heroism being shown by our men and women in uniform deployed in Iraq and Afghanistan.

On the second day of my visit to Iraq and Afghanistan last month, I had the opportunity to meet with a staff sergeant who was a reservist from Denver, CO. Before Operation Iraqi Freedom, he had a great family life, good-paying job, and much happiness in his life. Yet when President Bush ordered our men and women in uniform to prepare and eventually rid Iraq of Saddam Hussein, the staff sergeant's unit, the 324th Tactical PsyOps Company, was mobilized and deployed to Iraq.

When I met with this brave soldier, his unit had been deployed for over a year in Iraq and was expected to spend at least another 3 months in the country. Yet to my surprise, this staff sergeant did not complain about the lengthy deployment, nor did he complain about missing his family or express any worry about losing his job. Instead, he spoke of the importance of his mission and how much of a difference he and the rest of our forces were making in Iraq. He said the United States did the right thing in liberating Iraq from Saddam's tyranny, and not a day goes by when at least one Iraqi doesn't thank him personally for freeing their country.

His only request was for me to contact his wife and thank her for supporting him, a great sacrifice, over these many months. This was the least I could do to repay him for his brave service to our Nation.

During that conversation, I could not have been more proud of or more thankful for our men and women in uniform. Many of these soldiers, sailors, airmen, and marines are in their early 20s, and some have never been outside the United States. Others have seen combat before and are struggling with the long deployment away from their families. But every soldier I spoke with made it clear they are dedicated to their mission and committed to defeating extremists that seek to return that land to a rein of terror.

I am especially proud of those Coloradans who have confronted our enemies in Iraq and Afghanistan. For example, the Third Armored Cavalry Regiment from Fort Carson, CO returned after being deployed in one of the most hostile areas of Iraq for over a year. They fought multiple battles with extremists and overcame numerous hardships during the course of their assignment. I commend the Third ACR for their service and welcome them home.

I would also like to acknowledge the 10th Special Forces Group, also stationed at Fort Carson, for their ongoing contributions to Operation Iraqi Freedom. Units from the 10th Special Forces Group continue to serve in Iraq and continue to make me and the rest of Colorado very proud.

As we in Colorado celebrate the return of thousands of troops, we should

not forget those who lost their lives on the battlefield. More than 50 men who were either from or stationed in Colorado have made the ultimate sacrifice. The families who have lost loved ones deserve special honor. Our thoughts and prayers have been with them as we all remember the sacrifices their sons and daughters have made for the security of our Nation.

This past weekend, I had the opportunity to welcome home the Bravo Company of the 244th Engineering Battalion. Bravo Company is stationed in Fort Collins, CO, and the community's response to these men and women returning was truly heartening.

Equally as encouraging were the remarks shared to me from the members of the Bravo Company. These professional soldiers want to succeed in Iraq, their morale is high, and are proud of the time they devoted to the reconstruction of Iraq.

The Bravo Company's mission in Iraq was to help provide infrastructure. This consisted of things such as sanitation facilities, electric utilities, water utilities, as well as highways. They also helped in other ways with construction of hospitals and schools during their deployment. They shared their feelings with me that they felt they were really serving a need there. They were proud of their opportunity to serve over in Iraq. Obviously, they were glad to return home, but many of them were very, very happy about having an opportunity to serve the country in a valuable way.

The point of emphasis shared with me by these soldiers is that it is imperative the American people continue to stand firmly behind our troops deployed overseas. This is not the time for grandstanding by drawing parallels between this military action and the Vietnam War. In fact, those distortions run counter to the strong support that the American public still has for completing the job in Iraq.

This is not an issue of people not supporting our Armed Forces, because I know that every Member in this body supports our troops, regardless of personal beliefs about the rationale for Operation Iraqi Freedom. The issue is our support to stay the course for a struggling democracy; one that can bring freedom not only to the Iraqis, but perhaps to the Middle East. The United States will be defined by our response to the terrorists and despots that want to see Iraq return to chaos and dictatorship.

The efforts of units like Colorado's 3rd Armored Calvary Regiment, the 10th Special Forces Group, and 244th Engineering Battalion have helped to spread freedom and democracy to Iraq after decades of terror. A free Iraq is a historic opportunity to change the world.

By demonstrating our commitment to not only rid Iraq of terrorists but also improve the lives of ordinary Iraqis, we show the world that America is still the torchbearer for liberty. Our soldiers understand the challenges, and they want Americans to help them face the challenge and support their efforts.

Meeting these men and women reminded me of a statement that Chairman of the Joint Chiefs of Staff, General Myers, told the Armed Services Committee last year. He said that we would win in Iraq as long as we have the continuing will of the American people. I believe that Americans still have the will to win, especially the men and women in uniform who I have met.

Mr. President, I thank you for allowing me the time to praise some of my brave fellow Coloradans. I will continue to spread the word from the soldiers that while even in the gravest of situations, they understand the importance of what the United States is trying to accomplish in Iraq.

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

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

IRAQ AND AFGHANISTAN

Mr. WARNER. Mr. President, there has been some discussion on the floor, as there should be, about the very serious situations, challenging situations that our Nation and other nations fighting against terrorism and for freedom are facing now in Iraq and Afghanistan.

In the company of the distinguished senior Senator from Alaska, Mr. STEVENS, and the senior Senator from South Carolina, Mr. HOLLINGS, I visited those two countries just four weeks ago. Senator HOLLINGS, Senator STEVENS, and I had an opportunity to discuss with the heads of state and government and our military leaders the situation, and we also visited with our troops. We visited Jordan. We visited Iraq. We visited Kuwait. We visited, of course, Pakistan. We went into Afghanistan, and we came back through Paris where we had, I thought, a very interesting and lengthy opportunity to discuss our views with President Chirac of France.

Today I would like to discuss some of these issues that were discussed on the floor today. I do so by expressing that the past few weeks have been particularly challenging for the citizens of the United States of America and, indeed, the citizens of other coalition countries fighting bravely with us in those theaters of war, namely, Afghanistan and Iraq.

We are ever mindful the risks our troops face every day and the sacrifices made by the families and the communities that support them as those who have been removed from power seek to delay their inevitable defeat as terrorists lash out against the loss of yet another haven, both in Afghanistan and in Iraq, where terrorism has been spawned to spread worldwide.

We mourn every loss of life of these brave men and women in uniform and salute those who serve and their families for their bravery, their commitment, and their sacrifice. We are at a critical juncture for the coalition operations in both of these theaters. The brilliant military victories achieved by our forces, together with coalition partners, have presented an opportunity to fully defeat violence and terror in both Iraq and Afghanistan, nations whose previous rulers had perpetrated violence and terror on their own populations, neighbors, and, indeed, the world.

The cycle of violence that has gripped this part of the world must end if we are to win the global war on terrorism and to make America and the world a safer place. Deviation from our current course will only embolden—embolden—those who are intent on causing instability and anarchy in these regions of the world.

We have achieved extraordinary success in a relatively short period of time. In Iraq, Saddam Hussein and the threat he posed are gone, and now he, I think, to the credit of the Iraqi people, is likely to face a court of law and be judged by his own peers for his frightful administration over a period of over 30 years in that country and the hardships he imposed.

We must continue, however, to send a strong message of resolve to the people of Iraq, to our troops, to our coalition partners, and to the rest of the world that we, the United States of America, will stay the course and get the job done. As President Bush stated last week:

> Now is the time and Iraq is the place in which the enemies of the civilized world are testing the will of the civilized world. We must not waiver.

I take great encouragement by listening to that strong statement. I have supported the President throughout these operations. As I said, I recently visited both of those areas, and I have done it three or four other times. It has been an opportunity for me, as chairman of our Armed Services Committee, to follow these operations very carefully.

President Bush has set a course that calls for the return of political sovereignty to the Iraqis on June 30. It is critical that we end our status as an occupying power and give the Iraqis an increased stake in what happens in their nation.

I would like to pause on that point. Yesterday, in the course of our series of hearings before the Armed Services Committee, at which time we had the benefit of the testimony of the Deputy Secretary of Defense, Mr. Wolfowitz, and the Chairman of the Joint Chiefs of Staff and Under Secretary of State for Political Affairs, Ambassador Gross, I raised a question about the use of the term ''sovereignty.'' I have watched

carefully as all those in positions of authority have begun to discuss what takes place on the 30th of June.

It has been referred to, and I do not say this out of disrespect but just factually, somewhat loosely. People have said we are going to convey sovereignty, as I have just read from these remarks. Others say it is a conveyance of power to a new Iraqi interim form of government. I shall address that later.

In the hearing yesterday, through questioning by myself and other colleagues, it was clearly established that the security of Iraq must be maintained by the coalition forces until such time as the Iraqis can put in place, whether it is police, a national guard, an army, or a combination of all of those forces, a force such that we can turn over to them completely the operations that must take place to repel the insurgents and otherwise maintain security in that country.

The question is, Since that must be maintained and the document that the Iraqi Governing Council and the Coalition Provisional Authority put together—the Transitional Administrative Law—specifically states that the Iraqi security forces, as they come along, will be under the unified command of a U.S. led multinational force that is authorized by UN Security Council Resolution 1511. This resolution goes into some detail with regard to how the security will continue to be maintained under the auspices of the coalition military leadership. The security will still emanate from the President of the United States, the Prime Minister of Great Britain, and others who are now directing, through their military commanders, the security operation in Iraq. Those forces are going to stay.

If we look at the pure definition of ''sovereignty,'' one must say: Wait a minute. The very heart of being a sovereign nation is providing security of one's borders, of one's internal situation, and security against anyone attacking one's nation. That is the very heart of what I believe is sovereignty. But that authority simply does not pass, as I said, because of the Transitional Administrative Law and related orders enacted by the Iraqi Governing Council and the Coalition Provisional Authority, which are the current authority in Iraq, and by United Nations Security Council Resolution 1511. So I think as we use the term ''sovereignty'' with reference to what passes on June 30, we should be very careful to say limited sovereignty passes.

A great deal of responsibility will be transferred to this new entity, but the security function is going to remain under the control of those I have just described until such time—presumably with the combined judgment of the coalition forces and the governing body of Iraq—there is a sequential series of governing bodies that take place, and until that time we are going to be very active in continuing to support a security framework so that government can work.

Again, I return to the date of June 30. This date was endorsed by the U.N. special representative, Mr. Brahimi. Mr. Brahimi and the U.N. are playing an important and growing role in this transition of the government and will continue to play a critical role, hopefully, in helping Iraq on its path to democracy.

The President's appointment earlier this week of the trusted international statesman and current U.S. Ambassador to the U.N., John Negroponte, as the first U.S. Ambassador to a free and democratic Iraq is another important step in the process. I have known Mr. Negroponte for a number of years, and I have the highest regard for his professional capabilities and his character.

Continued U.S. commitment to the June 30 transition date is of enormous importance to the Iraqi people and to the region, for it will be the day Iraq takes its place in the community of free nations and the day Iraqis assume responsibility for their future. A free, democratic Iraq means defeat for the forces of terrorism and instability in Iraq.

Clearly, the recent surge of violence in Iraq is related to the imminent transfer of sovereignty. Those who fear democracy are trying to delay its arrival. Those who incite terror realize their days are numbered. Opponents of a free and democratic Iraq are desperate and will become even more desperate, we all fear—at least I do, and I think some others—in the weeks to come until June 30.

It is my hope, but I certainly do not want to raise expectations, but I do have a hope that once the realization, after June 30, settles in among the Iraqi people that at long last the first of a series of steps to give them total sovereignty is occurring, that 80 to 90 percent of Iraqi citizens want this program to succeed and the coalition forces to finish their work. Those people will help us in establishing a greater degree of security in Iraq.

We must be prepared, however, for such violence as does continue to occur between now and June 30 and afterwards. There is not going to be a cliff, an abrupt drop-off. It is likely to continue for a period of time, but our coalition forces are resolute to maintain that security.

Some greater detail was shared with this body by the Deputy Secretary of Defense and the Under Secretary of State yesterday during our hearing outlining these first steps towards democracy, including: formation of an Iraqi Interim Government, with the assistance of the U.N., and extensive consultation with the Iraqi people, to accept limited sovereignty on June 30, 2004; the organization of elections for a representative national assembly and transitional government, to be held no later than January 31, 2005; the drafting and ratification of a constitution by October 2005; and, elections and formation of a constitutional Iraqi government by the end of December 2005. During this interim and transitional period, considerable effort will be made by U.S. and coalition forces to select, train, equip and mentor the various components of the Iraqi security forces, so as to be able to assume increasing responsibility for the internal security and external defense of Iraq.

This is a good plan—a realistic plan—that has received the support of Ambassador Brahimi, the special representative of the U.N. Secretary General, Kofi Annan. This plan, and what additional support may be required from the U.N., are the subject of ongoing discussions at the U.N.

Lasting peace and security in Iraq and Afghanistan will be achieved when we establish the conditions for democratic, economically viable nations. The first steps to democracy have been taken and new governments are, or soon will be, preparing to assume the responsibilities and challenges of freedom and democracy. These new governments will need the continued support and commitment of the Congress, the American people, and the international community. Their success will stand as a beacon of hope to others in the region and around the world, and as a harbinger of defeat for the forces of violence and terror.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, all of us believe that the current system for compensating asbestos victims is not working well and that legislation creating a fairer, more effective process is needed. However, this bill, S. 2290, is not that legislation. In its current form, it does not create a system which will fairly and reliably compensate seriously ill victims of asbestos exposure.

This is not a balanced approach to the asbestos problem which comes from negotiations between business and labor. The bill reads as if it was dictated by the defendants solely for the benefit of the defendants. In fact, there have been no serious negotiations for months on the central issues fair levels of compensation for seriously ill workers, and adequate funding for the asbestos trust to make sure that injured workers actually receive what they are promised.

The only issue on which any progress has been made is the administrative structure of the compensation program. Senator SPECTER deserves great credit for convening a series of discussions on this topic involving both labor and business. However, as long as the compensation values are unreasonably low and the amount of money in the

trust is grossly inadequate, improving the way in which that money is distributed to individual victims cannot make an otherwise bad bill acceptable.

Since the Judiciary Committee voted out a bill in July, the process has moved backward, not forward. While I had serious objections to the committee-passed bill, the Frist bill is much worse. It reduces the funding level of the asbestos trust by more than $40 billion dollars—$153 billion in the committee bill versus $109 billion in the Frist bill. They stripped out the major improvements we made in committee the two Feinstein amendments and the Biden amendment. They made a mockery of the committee process.

The bill before us does not reflect what is necessary to compensate the enormous number of workers who suffer from asbestos-induced disease, it reflects only what the companies who made them sick are willing to pay.

The Republican sponsors of this bill are insisting on compensation levels which are far below what these seriously ill workers deserve, and less than what they are receiving, on average, under current law. These are people whose health has been destroyed and, in many cases, whose lives have been substantially shortened, by asbestos induced disease. Shortchanging them would be extraordinarily cruel.

There is also no adequate guarantee in the legislation that sufficient funds will be available to fully pay all injured workers who are eligible to collect, even at the low levels of compensation in the bill. For injured workers and their families, this proposal is clearly worse than the current system.

The real crisis which confronts us is not an asbestos litigation crisis, it is an asbestos-induced disease crisis. Asbestos is the most lethal substance ever widely used in the workplace. Between 1940 and 1980, there were 27.5 million workers in this country who were exposed to asbestos on the job, and nearly 19 million of them had high levels of exposure over long periods of time. That exposure changed many of their lives. Each year, more than 10,000 of them die from lung cancer and other diseases caused by asbestos. Each year, hundreds of thousands of them suffer from lung conditions which make breathing so difficult that they cannot engage in the routine activities of daily life. Even more have become unemployable due to their medical condition. And, because of the long latency period of these diseases, all of them live with fear of a premature death due to asbestos-induced disease. These are the real victims. They deserve to be the first and foremost focus of our concern.

All too often, the tragedy these workers and their families are enduring becomes lost in a complex debate about the economic impact of asbestos litigation. We cannot allow that to happen. The litigation did not create these costs. Exposure to asbestos created them. They are the costs of medical care, the lost wages of incapacitated workers, and the cost of providing for the families of workers who died years before their time. Those costs are real. No legislative proposal can make them disappear. All legislation can do is shift those costs from one party to another.

Any proposal which would have the effect of shifting more of the financial burden onto the backs of injured workers is unacceptable to me, and I would hope that it would be unacceptable to every one of us. The key test of any legislative proposal on asbestos claims is whether, by reducing transaction costs, it will put more money into the pockets of seriously injured workers and their families than they are receiving under the current system. That should be our goal.

I believe that a properly designed trust fund to compensate workers suffering with asbestos-induced disease can move us toward that goal. To do so, it must use inclusive medical criteria which cover all workers who have sustained real injuries, it must provide fair levels of compensation for all workers who have been injured, and it must guarantee that all injured workers who qualify will receive full compensation on a timely basis. At best, this legislation satisfies only one of these three criteria.

Any proposal which would merely create one new large underfunded trust in place of the many smaller underfunded bankruptcy trusts which exist today is unacceptable. Injured workers need certainty even more than businesses and insurers.

One basic test of fairness is how a compensation system treats the most seriously injured victims. S. 2290 fails this test miserably. Those who meet the medical criteria for the most serious illnesses would still not be fairly compensated.

Mesothelioma is a horrible disease which is usually fatal. There is no question that it is caused by asbestos exposure. In the current system, mesothelioma victims often receive multimillion dollar settlements. This bill will limit them to much less.

The gravest injustice done by the bill is to lung cancer victims. We all understand how devastating lung cancer can be. The issue with lung cancer is causation. If a worker had substantial asbestos exposure and was a non-smoker, his primary lung cancer was almost certainly caused by asbestos. Yet the bill would pay these victims as little as $225,000. In many instances, that will not even cover their medical expenses. They are currently receiving much higher judgments in the courts, and fairness requires far more compensation for their life threatening diseases than this bill offers.

If the worker smoked—and unfortunately most of these workers did—the combination of tobacco and asbestos exposure dramatically increases the likelihood of contracting lung cancer.

Workers who smoke and have been exposed to asbestos are over four times more likely to get lung cancer than smokers with no asbestos exposure. Asbestos is clearly a major contributor to their lung cancers. Yet, this bill would give them next to nothing. Under the terms of this bill, they would receive between $25,000 to $75,000. That is outrageous. These victims, who must have at least 15 weighted years of asbestos exposure, deserve much more—they deserve a level of compensation that reflects the reality of their conditions and their families' needs.

Even when the worker's lungs show specific evidence of asbestos disease, raising the probability that the asbestos exposure significantly contributed to the lung cancer to a virtual certainty, the legislation would pay them as little as $150,000. That is incredibly low. These lung cancer victims have literally had their lives shattered by asbestos. They must be fairly compensated in any legitimate national trust proposal. They are not in the Frist proposal.

To make matters even worse, the legislation would actually allow workers' compensation and health insurance companies to seek reimbursement out of the meager amounts these seriously ill workers receive from the asbestos trust. Thus, the worker and his family may literally end up with nothing despite his undeniable injuries. At the very least, the bill should protect the compensation paid to a worker by the trust from subrogation claims.

Proponents of this bill argue that in the tort system too much money is going to victims who are not really impaired and not enough is going to those who are truly sick. But their self-proclaimed concern for the truly sick certainly is not reflected in this bill. Lung cancer victims are ''truly sick'' by anyone's definition. In fact, a large percentage of them will have their lives cut short by this disease. Yet even in these cases, the most compelling cases, S. 2290 provides grossly inadequate compensation. I am deeply troubled by the way this legislation treats even the sickest of the sick.

Not only does this bill not provide adequate levels of compensation, but it does not even contain sufficient funding to pay the compensation levels contained in the bill. According to a CBO analysis, it is underfunded by over $25 billion dollars. CBO's cost estimate is $140 billion.

Furthermore, there is no guarantee that this bill will raise even the $109 billion which the sponsors say is necessary. The bill establishes contribution tiers for defendant corporations of various sizes and asbestos histories. However, the Senate has no hard information about the number of companies which will fall in each tier. Thus, the aggregate amount which will be raised to fund the asbestos trust is highly speculative. Under the proposed funding plan—some corporations—such as Halliburton and WR Grace—can escape accountability for their wrong-doing by paying only a small percentage of

the amounts they are currently responsible to pay. As long as companies such as Halliburton and Grace are permitted to pay billions of dollars less than their fair share, it will be extremely difficult—if not impossible—to fund the trust at a level sufficient to fairly compensate those who have been poisoned by asbestos.

Similarly, the manner of determining the amount that individual insurers and reinsurers will contribute to the trust is also questionable. It appears to unfairly benefit some companies at the expense of others. The way it has been structured, it may actually create unintended legal obstacles to the expeditious payment of billions of dollars into the trust by reinsurers with the largest asbestos exposure.

These funding concerns seriously jeopardize the financial viability of the trust and its capacity to compensate injured workers in the manner promised. In fact, there is no guarantee that the dollars will be there to fully pay all eligible victims what the legislation promises they will receive.

If the asbestos trust does become insolvent, workers will have to wait years before they can return to the tort system. Under the Biden amendment adopted by the Judiciary Committee, if the trust was unable to fully pay claims in a timely manner, injured workers would immediately regain their right to seek compensation in the courts.

Unfortunately, that right—so essential to fundamental fairness—has been removed in the Frist bill. Victims will have to wait as long as 7 years after the trust becomes insolvent before they can take their claim to court. Many of them will be dead by then. And, if they do return to court, the workers will not have the same rights that they do today. Under the Frist bill, seriously ill workers can find themselves in an intolerable legal limbo through no fault of their own. All of us should find that unacceptable.

The danger that the asbestos trust, as structured in this legislation, will be unable to meet its financial obligations to the victims is very real. There is a serious risk of a substantial shortfall in the early years, when nearly 300,000 pending cases will be transferred to the newly created national trust for payment. The trust may not have the resources to pay those claims in a timely manner. Payments to critically ill people may be delayed for years, and the trust itself may become insolvent.

The best way to reduce the enormous financial burden on the trust in the early years would be to leave many of those pending cases in the tort system, especially cases which were close to resolution. That would be fair to the parties in those cases and it would greatly improve the financial viability of the trust. Unfortunately, the Frist bill would do just the opposite. It fails to respect stare decisis even in cases where substantial judicial determinations have already been made. In many cases, it would actually abrogate jury verdicts and existing settlements, requiring the injured workers to start from scratch. That is terribly unfair. It will also greatly increase the burden on the asbestos trust.

Unfortunately, there is so much wrong with this legislation that I could literally discuss the shortfalls for hours. However, that would serve no purpose. Clearly, the issues are too complex and too interrelated to fix in a few days on the Senate floor. For that reason, the Senate should reject the motion to proceed to S. 2209 and send the parties back to the drawing board. The only way to produce an acceptable bill is to seriously address the legitimate concerns of injured workers as well as the concerns of the corporate defendants.

The Frist bill clearly fails that test. It is not a bill which reduces the high transaction costs in the current system, and thus puts more money in the pockets of injured workers while reducing the costs to businesses and their insurers. That would be a real solution.

It is a bill which merely shifts more of the financial burden of asbestos-induced disease to the injured workers by unfairly and arbitrarily limiting the liability of defendants. Sick workers would receive lower levels of compensation than they receive on average in the current system, and payment of even those lower levels of compensation would not be guaranteed. That is no solution at all.

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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that immediately following the distinguished Senator from Connecticut, I be permitted to speak.

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

The Senator from Connecticut.

Mr. DODD. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The pending business is the motion to proceed to S. 2290.

EDUCATION

Mr. DODD. Madam President, I want to take a few minutes and talk about an issue off the pending matter, if I may, before the Senate. While it may not be germane to the subject matter before the Senate, the matter I want to talk about is extremely germane to the American public and what they are interested in. That is education. I particularly want to focus for a few minutes on higher education.

We are now coming into the months of April and May when students will be wrapping up their academic year and taking exams. Those who are in their last year will be graduating and going out into the private sector or graduate school.

As we focus on graduation and the termination of an academic year, I think it is important to take stock of the financial availability of most students to access higher education in this country, and what we are doing about it as we conclude this academic year. It is also important to ask what will be available next year to students who are either starting higher education or are continuing their higher education.

What are the economic challenges these individuals and their families face as it relates to affording college? I want to spend a couple of minutes describing what the present situation is as it relates to college cost, how important it is to have access to college, and where we are today in our ability to try to make college more accessible and more affordable.

In the 21st century we must have the best educated and best prepared generation of Americans we have ever produced if we are going to be highly competitive in a global marketplace and have a growing and expanding economy to produce goods and services of increasing value; that is, more technology and more sophistication to offer the 95 percent of the population which lives outside the United States all over this globe.

We have seen tuition and fees at public colleges and universities go up 26 percent over the last 38 months. Since President Bush took office on January 20 of 2001, tuition and fees at public colleges and universities has gone up more than 25 percent—close to 26 percent in 38 months.

Last year alone, on average, tuition at a public university rose 14 percent, and over 10 percent in my own State of Connecticut. The average total cost of attending a public 4-year college is now over $9,000, and for private colleges the average cost is $24,000.

As tuition rates increase, so does the portion of a family's income needed to pay tuition. On average, 29 percent of a family's income goes toward public university tuition and 41 percent goes toward private university tuition. Just think about that: almost 30 percent of a family's income paying a public college tuition and more than 40 percent to go to a private university or college. In comparison, a family's mortgage payment represents 32 percent of annual income. Education is now eating up more of a family budget than a home mortgage—the largest single investment most families ever make is owning their own home.

It is estimated that approximately 200,000 college-ready high school graduates will not pursue higher education this year because they do not have the resources to do it and don't have access to the various programs that may provide them some assistance.

Apart from initial affordability, students also often graduate with huge

amounts of debt. In Connecticut, the average student graduates in 4 years $15,000 in debt. The numbers are rather clear.

We are seeing a tremendous economic burden growing with each and every passing year, for families and individuals who wish to go on and get that absolutely critical higher education they need and we need them to have.

Pell grants are such a great cornerstone of the Federal financial aid system, but they are shrinking in value. Pell grants originally covered 80 percent of the cost of attending a public university. Today, at $4,050, they cover only 30 percent; and at a 4-year private college, 16 percent. Imagine that, from 80 percent down to 34 percent.

The maximum Pell amount remains stagnant at a time when tuition is going up, people are losing jobs and extra income, and when higher education is increasingly the ticket to a better life not only for the students but for us, as well.

Today, the average low-income student has an annual unmet need of almost $4,000 in college expenses, costs not covered by grants, loans, work, or family savings. These are the students that an increase in the Pell grant would most directly help.

What are we doing about this? The President's budget is clearly not in the best interest, at all, of serving this critical need that, by all accounts, we admit is necessary. I don't know of anyone who does not go back to their respective States and talk about the importance of education, the importance particularly of higher education, that people have the ability to earn that degree.

I am sure every one of my colleagues has said exactly the words I am about to share, or something similar: No one ought to be denied a higher education because they lack the financial resources. It goes to the depth of a person's drive, the depth of their character, the depth of their ambition. It ought not be the depth of their parents' or their pockets that determines whether someone can have access to a higher education. I am sure we all feel that way.

Mr. KENNEDY. Would the Senator be good enough to yield?

Mr. DODD. I am happy to yield to my colleague.

Mr. KENNEDY. The Senator has appropriately pointed out the explosion of increased costs of tuition for the sons and daughters of middle-income families. This is basically a middle America working-class family issue. As the Senator has pointed out so well and so eloquently, it is at the heart of the hopes and dreams of every family in this country.

I am sure the Senator would agree with me, when we talk about education, we are not only talking about a better educated society; we are talking about individuals who are going to be the stewards of our democratic institutions and also the individuals who are going to be able to lead this country in terms of the international global economy and beyond that; individuals who are going to be able to be in the Armed Forces of this country.

The Senator is mentioning the increases in tuition. The Senator pointed out the costs to families: in many families, the children cannot go to college. And if they are able to go, they experience increased debt.

I understand the Advisory Committee on Student Financial Assistance has said as a result of the increase in tuition, there are almost 200,000 young individuals, young men and women, sons of working class families in this country, who effectively have been priced out of the opportunity to continue in higher education. And reports point out the enormous increase in indebtedness of even those who are going to schools. We know that over the last 10 years, indebtedness has actually almost doubled. The average debt families have when they graduate is some $17,000.

I am wondering if the Senator remembers that it was a few weeks ago the Senate passed a $2.4 trillion budget. We had an opportunity to provide a helping hand to students in this country who come from working families, by increasing the Pell grants for the young people in this country. It was the judgment and the decision of this body and the Republican administration, the Bush administration, to effectively say no, we will not increase the Pell grants, in spite of the fact—I know the Senator remembers this—that this President, when he ran for the Presidency of the United States, said in the final days of the campaign in the State of New Hampshire, that he was committed to increasing the Pell grants to $5,100. He said, in the State of New Hampshire on August thirtieth, in the year 2000: Pell grants significantly affect the ability of a child to stay in college or to stay in school. The future of a child eligible for a Pell grant will be affected by the size of the Pell grant. I am going to ask Congress to bolster first year aid from $3,300 to $5,100.

Does the Senator from Connecticut remember when we had an opportunity to do something about helping middle-class families in this country, to provide some help and assistance to them, to ease the burden of the increase in tuition, whether there was any effort from the Republican side to increase the Pell grants to provide this important help and assistance to these qualified young students who are seeking to continue their education?

Mr. DODD. In response to my colleague, I very clearly remember supporting the senior Senator from Massachusetts and his amendment that would have increased the higher education budget, including, obviously, an increase in the Pell grants to meet exactly what the commitment of the President had been on this subject matter. We were unable to get that.

It is important to point out to people the effects. We have now had a freeze in Pell grants over the last 3 years, despite the President's campaign promise to raise them. I mentioned earlier that a Pell grant now pays about 34 percent of the cost of public higher education. It was at 80 percent when it was originally passed.

Let me also state what shrinking resources and rising costs have done. My colleague from Massachusetts has pointed out that the average student now finishes college in excess of $17,000 debt. As a result of freezing the Pell grant over the last 3 years, and the administration's proposal to raise freshman loan limits, we are now told that student debt could increase nationally by almost $5 billion. If we take student debt, that will now grow as a result of not having Pell grants trying to keep some pace with the increased cost of education, if students have to take out more loans, we will have student debt amount to $5 billion more nationally than presently is the case.

The President's budget also froze funding for work-study programs in addition to Pell grants. We watched, over the last 38 months, tuition costs go up at public universities 26 percent. Costs go up and the President's budget says: No, no, I am not going to give you a nickel more for Pell grants. Freeze work-study. Freeze Pell grants. Not a penny more for higher education despite costs going up and here is $5 billion more debt to shoulder as you leave higher education to go out and try to get a job, get into the workforce, raise a family.

I don't know of anyone who believes that is a sound investment in the 21st century. I thank my colleague for raising those points.

Mr. KENNEDY. Does the Senator agree with me that at one time we, as a nation, made a commitment to every child in this country that if they were qualified to get into any institution of higher learning based upon their academic standing, a series of grants and loans would be available to them so they would be able to go to the school, the college to which they were admitted?

We saw over the period of time going back to the 1970s, going back to the time this whole program, the Pell grants and the Stafford loans were established, a balance between grants and loans so young people of talent could go to the schools and universities to which they were admitted.

Now if I could direct the attention of the Senator from Connecticut, what we have seen is a complete abdication of that commitment in the fact of the declining purchasing power of the Pell grants, and in the reduction of the Work-Study Program. Fundamentally we are saying to the young people, and particularly to their parents: You are on your own. Go on out there and borrow, and pay a good deal for that additional $5 billion you will borrow. And

there is just going to be paying the interest and indebtedness for those young people in the years ahead.

Would the Senator be good enough to indicate whether he agrees with me, that the whole pattern in the recent years under Republican leadership has been to reduce the purchasing power, the value of the Pell grant, and to require the students to borrow a good deal more, which has meant an increase in indebtedness to these students? And would he not agree with me, when you visit schools and colleges and you meet with these young people around recess time or lunchtime, they are talking about their loans rather than talking about their books?

Mr. DODD. Madam President, the Senator, again, is exactly correct. As I noted earlier, we are talking about families who are middle-income families, who are lower middle-income families who are out there struggling to make ends meet. As I pointed out, the increased cost of a public education, as well as a private education, in 38 months has gone through the ceiling, outpacing the cost of anything else. Inflation has been relatively flat in the last number of months with the economy where it is. But yet in the midst of all that, we have seen a 26-percent increase in the cost of going to a private college or university, and a 14-percent increase to go to a public institution.

So we have seen this tremendous increase in a family's income going toward education and tuition. As I pointed out earlier, 29 percent of a family's income goes to pay for public university tuition; 41 percent goes to pay for private university tuition.

The debt these kids are faced with, their families are faced with, is an additional strain on families who are already paying so much to see to it their kids can get the education they need. And we know so clearly the importance of education. You find yourself almost wondering why you have to say this. I don't know of anyone who believes that for a single second this country's ability to maintain itself in a leadership position economically and politically can be sustained without the proper education. Thomas Jefferson said, 200 years ago this year, in 1804, any nation that ever expects to be ignorant and free expects what never was and what never possibly could be.

If you believe that had validity in 1804, you certainly must believe that in 2004 it has even more validity, not only in terms of embracing and supporting our constitutional principles, but also as to the importance of being able to get the education to produce the goods and services of high value which 5 percent of the world's population, which lives in this country, will be able to market to the 95 percent of the world's population which lives outside this country.

Anyone who believes for a single second that you can deny 200,000 young people, as you will this year—almost a quarter of a million young people—the opportunity to go on to higher education because we cannot come up with a few extra bucks to put into a Pell Grant Program or a Work-Study Program—if you think America benefits from that, then you are deluding yourself. This will be the first generation where the older generation is actually cutting back on its commitments in its attempts to provide access to higher education for people in this country.

I hope in the coming days as we move through the appropriations process and the like, our colleagues will find it possible to break this freezing of the budgets to make it possible for students who are completing this academic year and thinking about next year, or thinking about graduate school, or leaving high school and wanting to go on to college—that the Congress of the United States, the President of the United States, would stand up and say: We are going to do what we can. We are going to meet that promise I made in New Hampshire in the fall of 2000 when I promised I would increase Pell grants to more than $5,000 per child. I am going to meet that promise before this term is over.

My hope is we will achieve that particular result.

I see my colleague from Rhode Island.

Mr. REED. Will the Senator yield for a question?

Mr. DODD. Yes.

Mr. REED. Mr. President, I say to the Senator, you were speaking about increasing the Pell grant, which strikes a chord with me. Senator Pell was my predecessor, the architect of this great program. I am sure you are aware, but if you can confirm this awareness, the Pell Grant program has a $3.7 billion shortfall because of an increase in the number of students who have qualified for the Pell grant since our economy has not produced jobs over the last several years and has been dead in the water until very recently. We, in our budget, included the $3.7 billion, but I am told this funding might be in jeopardy in the conference, which would be a grievous blow to the Pell Grant Program in addition to what you have described. Are you aware of this difficulty?

Mr. DODD. Madam President, I thank my colleague from Rhode Island. He very appropriately points out he succeeded Claiborne Pell, whom the Senator from Massachusetts and I had the great privilege of serving with. The Senator from Rhode Island knows the wonderful contribution he made to millions of young Americans, Americans of all ages, but particularly young Americans.

I was not aware of what my colleague from Rhode Island told me. I think that is extremely important information. I would hope, as I am sure he does, the conferees and the American public would let conferees and the leadership here in Congress know this shortfall must not be allowed to exist if we are going to have any hope at all of meeting some of the obligations we have.

I might ask my colleague from Rhode Island, give us some indication how that is working now. Does he believe that is going to be the case? And what would be the implications of that?

Mr. NICKLES. Regular order.

Mr. DODD. Madam President, I believe the Senator has the floor.

The PRESIDING OFFICER. The Senator from Connecticut may yield only for a question.

Mr. DODD. Madam President, I am responding to a question. Without yielding my right to the floor, I am asking my colleague from Rhode Island to respond to a question.

Mr. REED. Will my colleague yield for another question?

Mr. DODD. Yes.

Mr. REED. First, the Pell Grant Program is in jeopardy because of its low funding levels. As you and Senator KENNEDY have pointed out so accurately, the maximum award has not been raised, contrary to the President's promise. In addition, the $3.7 billion shortfall exists today. We have taken a step on our side to remedy the shortfall, but it is unclear what the other side and the conferees will do. So that is another detriment to the Pell Grant Program.

But I will ask a final question of the Senator. The President's budget not only inadequately funds the Pell Grant Program, but it eliminates the LEAP Program—Leveraging Educational Assistance Partnerships—a collaboration between the State and Federal governments to provide need-based grants to low-income students.

The President's budget also zeroes out funds for the Perkins Loan Capital Contributions, which provides low-interest loans to millions of low-income college students.

Additionally, the President's budget fails to increase funding for the campus-based programs, Supplemental Educational Opportunity Grants and Federal Work-Study, as well as the early awareness programs, TRIO and GEAR UP.

I again inquire whether the Senator is aware that in addition to the blows that have been taken to the Pell Grant Program, so many other Federal programs that aid particularly low-income Americans are not being adequately funded. I think that goes directly to your point, I say to the Senator, that 200,000 young Americans with talent, ambition, and drive are unable to go to college because we are not providing the resources.

Mr. DODD. Again, Madam President, I am very grateful to my colleague from Rhode Island for pointing out matters I had not addressed; that is, these other areas of higher education.

This is an assault on higher education. But more importantly, it is an assault on young people in this country who are going to provide the well-being. I always like to point out this

Nation historically, even during times of our most significant crises, has found a time and a place to support higher education. I have often pointed out one of the first acts of Congress in 1789, as we were still struggling to get on our feet, was the Northwest Ordinance, which set aside lands for education. It was a rather remarkable accomplishment. Think of all the things the first Congress had to deal with. Education was one of the top priorities on their list.

Then right in the middle of the Civil War—imagine the country divided, wondering whether we would survive as a nation—the Congress of the United States passed something called the Morrill Act, which was the land grant colleges. I believe the University of Rhode Island—I know the University of Connecticut got started as a land grant college, and I know colleges all across this country got their start because of the Morrill Act. Congress found the money during the great Civil War to fund higher education.

Even before the end of World War II, before the defeat of nazism and the Japanese empire, the Congress passed the GI Bill. And think, if you will, of the investment made in those years, coming off the war years, and how we have benefitted, when you consider a generation of Americans which was able to get an education and go on, and how we have been paid back a thousandfold by the contributions of a generation of young Americans who fought in World War II, who were able to get an education, and then provide the kind of innovation and creativity and jobs and incomes that has helped us grow to the great Nation we are in terms of economic strength.

So there was the Northwest Ordinance, the Morrill Act, the GI bill, generations that understood the importance of investing in education. Here we are in the 21st century, we have a President that not only doesn't have an idea about how to increase resources for higher education, he wants to cut back on what we have. How do you explain that to the American people when we are trying to increase the opportunities for higher education?

I thank my colleagues.

Mr. KENNEDY. Madam President, if I may ask the Senator, we have talked about higher education. Does the Senator not agree with me that we have seen cutbacks in support for K- 12 as well? We have seen the failure of funding No Child Left Behind, which has left 4.6 million children behind. So we are leaving the children behind in higher education. We are leaving them in No Child Left Behind.

I would like to ask the Senator from Connecticut as well whether he is not concerned, as I am, about the failure to fund the Head Start Program which reaches out and helps 4-year-olds and 5-year-olds prior to the time they enter kindergarten, to give them skills and help in building confidence so they can gain knowledge and understanding in their early years in school.

Would the Senator not agree with me that what we are talking about is basically failing almost a whole generation? There are 54 million elementary and secondary school students across this country, and then we have the millions of children going on to college. And now we are talking about the millions who are eligible for the Head Start Program, who failed to receive the support they need.

Would the Senator agree with me that money isn't everything, but it is a pretty clear indication of a Nation's priorities? We make choices about what the Nation's priorities are. What we are doing now, with the conclusion of the budget which we passed here, is failing the children in higher education. We have failed children with No Child Left Behind. We are failing the children with the funding of the Head Start Program. What does that say about the commitment of this Nation in terms of the young people? And to their families, hard-working American families, what does that say about our willingness to reach out a helping hand to these families to make sure the education system is going to be the best that it can be?

Mr. DODD. I would say to my colleague, he has hit the nail on the head in talking about elementary and secondary education, beginning with, obviously, Head Start and preschool efforts. He has cited the numbers, and he is absolutely correct. But more than the numbers, when you start to talk about the dollar amounts, I think you can probably see the eyes of even the most determined listener to glaze over. When I talk about an $8.6 billion shortfall to No Child Left Behind this year alone, shortchanged more than $26 billion since passage, I am disturbed. It is the children and the families themselves that feel the shortfalls. Families lacking the kinds of investments that we know make a difference in their children's educational lives.

We know categorically, after more than a quarter of a century of watching, the benefits of the Head Start Program. It gives them that even start. When they enter kindergarten or the first grade, it puts them on a level playing field with other children who come from slightly more advantaged situations than they may have.

We know that getting Title I money into our school districts has made a huge difference to schools, and certainly we need to be doing far better on special education. But to give some idea of what these shortfalls mean, this year alone over 7,500 school districts are going to see their elementary school funding cut this July. Millions of disadvantaged children will be left behind because of inadequate resources in Title I. More than 1.3 million children won't receive afterschool services because of funding freezes that have occurred. Teacher quality, English language acquisition, impact aid, rural education all have been frozen in this country despite the increasing demands that have occurred.

The President's budget eliminates 38 programs in areas such as arts education, school counseling, small school support, dropout prevention. You don't need to tell the American public about the importance of these things. They make a difference every day. The fact is that we are just decimating these significant efforts, many of which were achieved and were created through bipartisan effort and support.

I am deeply concerned about what is happening to these younger people as they enter the school system, where we want them to have an equal opportunity to learn, where they get uncertified teachers and old textbooks, some that say today maybe one day we will land a man on the moon. We actually have children using textbooks that predate 1969 when we landed a man on the moon. Imagine in 2004, you discover your child has a science book that says that. That happens today. Or that your child walks into a biology class or chemistry class in elementary school and almost 35 percent of them in poor rural districts and poor urban districts do not have a certified teacher who is teaching.

This is the United States of America. If you want us to grow and be stronger, you are going to have to make the investments.

I thank my colleague from Massachusetts for raising these issues about both elementary and secondary education as well as higher education. The American public needs to know this.

Mr. KENNEDY. If the Senator will yield for a final question, I think the Senator from Connecticut has the floor. Before we leave this discussion, I have heard the resolution of the Senator from Connecticut, his determination. I would like to ask him whether he intends to battle with the rest of us in the remaining days of this session to try to provide that kind of help to these working families in these areas of education. Does he not agree with me that this ought to still be a priority, and that even as we are coming into the critical times of the appropriations committees, we will have some opportunity to continue this battle and call Senators to account to find out whether they believe it is the responsibility of this institution to continue to invest in the children of our country and to continue the opportunities of education, and that is the highest priority we have here? Do I hear from the Senator that he will join in that battle and continue to fight for those children?

Mr. DODD. Madam President, I commit to my colleague and to others as well. This has been an ongoing effort. It will be a continuing one. Nothing is more important. I have often said, if you can only solve one issue, I would choose this one. I don't think there is any more important problem to solve. Not that others are not important, but if we fail to address the education question effectively, then we leave every other issue in jeopardy, to chance.

That goes to the heart of endorsing and supporting our constitutional principles, our values system, as well as our economic growth.

I am not minimizing other issues. I am often asked, as we all are, what is the single most important issue we have to deal with. Obviously issues of going to war, sending young men and women into harm's way, amending the Constitution, confirming a justice to the Supreme Court are high on that list. I would place education as the No. 1 priority, a substantive issue that ought to be on every one of our lists.

I thank the Senator for taking a few minutes out of today to talk about this. There will be other opportunities to raise these concerns and these questions, and I hope that before this session of Congress ends, we will have a more effective result for the American people.

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, the Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have been interested in this discussion. It has nothing to do with asbestos, but nevertheless an important discussion. I have to say I have taken great interest in the education processes myself. The other side just thinks there is money growing on trees. Frankly, there is never enough money to satisfy them.

All of us wish we could do better. I wish every school district in the country would teach music because it softens kids' lives. When I was a young kid, I was born on the wrong side of the tracks. I was a tough little kid. My mother made me learn the piano for 6 months and then made me play the violin, and that made me even tougher, carrying that violin to school. I have to say that softened me and gave me a soft side to what some people think is a fairly tough guy. So I commend my colleagues for wanting to do more. But having Democrats call for more and more spending is a little bit like a glutton who has eaten everything on the table and now wants more.

There is no end of the spending that they would do, even if we do have a $1.2 trillion deficit. This President has all he can handle. There is no question about it. I commiserate with him. I also look at the outrageous costs of some aspects of higher education brought into discussion here, what a gravy train it is for some people in many universities, and how tuition has gone up so much to pay for the gravy train. It reminds me of the trial lawyers we have been talking about with respect to asbestos reform.

Mr. President, I wish to respond to some criticism some friends across the aisle have made regarding my comments about personal injury lawyers. In particular, I have been criticized for repeating in public on the floor of the Senate what many people are saying in private—that there is a political tie between many of these trial lawyers and many of my friends across the aisle. I don't think it is news that, as a rule, you will find that, all things being equal, most trial lawyers will likely support with their voices, and especially their wallets, the Democratic Presidential nominee and other Democrats across the aisle. They are the largest single hard money donors to the Democrats—the liberal Democrats. It is hard to find any conservative Democrats, other than one I know of over there.

If I offended anybody by repeating in public a widely known dynamic, I guess I should apologize. I also recognize that I am unlikely to be the American Trial Lawyers' man of the year awardee. I am a member of that organization. I know a lot of great trial lawyers who are honest, decent, and do what is right in serving the American people. They know that when they are right, I am on their side. But in this case they are not right—the few who are abusing the laws.

Seriously, if in this debate I have sometimes come down too hard on personal injury lawyers, I have done so because I am concerned that what stands in the way of a much needed asbestos bill is the handful of overzealous, greedy personal injury lawyers—just a handful of lawyers in this country. I don't intend to malign personal injury lawyers as a class. I believe personal injury attorneys can serve and, in many cases, have served a vital function for many injured plaintiffs.

While I don't always see eye to eye with the personal injury bar, when I think they are right, I don't hesitate to say it and they know it. I had plenty of them thanking me for saying so when they were right during the discussion over the tobacco legislation in 1998. I was impressed with Richard Scruggs, or Dickie Scruggs, in the Castano group of trial lawyers. I think many trial attorneys played a constructive role in reaching a historic compromise with the tobacco industry. I helped them, and they know it. They were right and I backed them. Some in Congress held out for so much money that it was impossible to pass Federal tobacco legislation. The theme of some in Congress holding out for too much money is applicable to the asbestos debate.

In any event, the work that a gifted group of trial lawyers did with Mississippi Attorney General Mike Moore deserves a lot of credit. I supported their efforts publicly and even provided my support for reasonable compensation for those attorneys. I am not afraid to speak up for trial attorneys when I think they are right. I irritated people on my side who felt they should not get the compensation that I think they more than earned.

Frankly, as a former medical malpractice defense lawyer, I liked nothing more than to go up against the best plaintiffs' attorneys for the pure challenge of competing against the most skilled adversary. As a plaintiffs' lawyer, I liked nothing more than having gone up against the best defense lawyers in the country, having the thrill to be able to compete with them. In many cases, I would win against them.

We all have to recognize that the work of personal injury attorneys on asbestos litigation has dated back 30 or more years. Without the hard work of these lawyers, it is unlikely the U.S. would have come so far in responding to the dangers of asbestos. It is the success of the trial attorneys that put us in the position of recommending legislation that calls for a private trust fund to compensate asbestos victims without the need for each one to establish causation.

In short, personal injury lawyers have won the case, and they won it long ago. What this legislation is trying to do is sort out who pays and how much, and do so in a fashion that minimizes the transaction costs so that more of the money goes to the injured persons and less of the money gets swallowed up in litigation, and the courts can get unclogged, and so that other fairly brought litigation can be heard.

In compensating asbestos victims, we must be mindful not to corrupt more and more firms, which results in more and more job losses, and more and more loss of health care, and losing more and more value in retirement stock portfolios, and more and more loss of pensions. That is what we are trying to do here.

All I hear is whining from the other side. We have heard a lot of talk about how much the bill costs and how much it will pay out to victims. We heard talk about who pays, and how much, and whether they are paying enough.

If we ever get on the bill, we will hear more talk about these important issues, as we should. I have no problem with that. But they are filibustering even the motion to proceed. My gosh, when are the American people going to understand what is going on? They have filibustered virtually everything that has come up this year. It is going to take a supermajority to pass the simplist of bills the way they have been carrying on. It boggles my mind. But that is what is at stake in tomorrow's cloture vote.

Will we vote for cloture so we can talk about the issues on the bill itself? I hope we will proceed to the bill. But it shows the politics that are being played. For my friends on the other side to come on the floor and say this bill doesn't do enough, after we have given and given and given in to their suggestions time after time, or to say it is not procedurally proper or not written right, after 15 months of dedicated, hard effort—I have to say by a few Democrats, and by many on our side—it goes beyond the pale.

It is true that I have irritated some personal injury lawyers in some of my remarks. The ones I am talking about deserve irritation. I don't believe they are honest. I believe they are exploiting a system and taking moneys that should go to people who are sick. What

I am about to say may further irritate them and some of those across the aisle.

I have some important questions to raise with respect to attorneys' fees. Frankly, the issue of attorneys' fees is a key issue because it is critical in determining how much of the funds will actually end up in the pockets of the injured people. As I have said, today about 60 percent of the funds wither away to lawyers on both sides of these cases. You can expect that about one-third of any recovery will go to the plaintiffs' attorneys. In a no-fault, nonadversarial compensation system, there should be no place for the routine attorneys' fee level of one-third of the recovery.

Accordingly, in our bill, we employ the same fee schedule used by the Radiation Exposure Compensation Act, or RECA. In the RECA law—a bill I wrote and passed through this body a number of times—the lawyers' cut is 2 percent of the recovery in noncontested cases, and 10 percent for complicated cases. These cases are like rolling off a log if this is passed. Lawyers do not deserve 60 percent in defendant and plaintiff attorneys' fees, in addition to the transaction clause. The fee schedule results in the lion's share going to the injured persons and their families. This is the way it should be in the radiation exposure cases involving downwinders of nuclear tests, and this is the way it should be for asbestos victims. This is what is in our bill. It is a long settled way of solving these problems and a reasonable way that pays the attorneys what they should be paid—actually more, in many instances—but it stops the gravy train that is ripping off the sick and needy who have suffered from asbestos.

What is unknown is what our friends believe to be a fair level of compensation for personal injury lawyers in this new no-fault system. I ask today for our colleagues to come to the floor and tell us if they support or oppose our proposed attorneys' fees levels, if they believe our 2 percent for uncontested cases that are like rolling off a log, and 10 percent for those who might have some small contest, and they will still be like rolling off a log compared to litigation in trial. If this provision is not proper, please tell us how they would do it. We have not had the slightest suggestion from them.

If they believe it is still appropriate to retain attorneys' fees of 33 percent to 40 percent or higher, please explain why this is fair or necessary in a no-fault, nonadversarial system that this bill would make into reality. In the spirit of good faith, we agreed to move the program into the labor-friendly Department of Labor. The Secretary of Labor does not favor this. The White House does not favor this. I, frankly, do not favor this. I am afraid that will run the program into the ground because the Labor Department has been controlled by liberal bureaucrats for many years. But we are willing, in the interest of getting this done, in the interest of helping these people, to even do that.

Running a program to compensate workers out of the Department of Labor may be somewhat akin to voluntarily playing the Celtics in the Boston Garden. We made a genuine concession on the administrative process, as our colleagues know. We have repeatedly asked them to recognize it is appropriate for them to act in a spirit of genuine compromise with respect to attorneys' fees.

Let's face it, numbers are flying around in this debate. One way that the difference between our respective proposed level of total claims can be bridged is to reach agreement on the appropriate level of compensation for attorneys' fees. But we cannot even get them to talk about that. Even if we could, we could not talk about it because we are on a filibuster on the motion to even proceed to the bill. Once we go to the bill, we would have a filibuster on that, if we can ever get to that point, but at least we would be able to be on the bill.

We believe the RECA, the Radiation Exposure Compensation Act, exposure level of 2 percent of noncontested cases and 10 percent for contested cases is both fair and reasonable because both cases will be easy for the plaintiffs or those who claim to be sick to get compensation if they are sick.

What do our friends across the aisle think about this? What are they proposing on this important issue? I ask they be specific so we and other interested parties can evaluate their position on this essential question. We have only been negotiating with them for 15 solid months, and we still do not have their suggestions. Yet they are saying: Oh, this is just too premature. That is after many of them said last year we should have gotten this bill done before the end of last year's session.

When is it going to end? When is this kind of phoniness going to end? A great deal of the difference in the compensation levels, in each of our respective levels of total compensation, in our bill it is $114 billion plus a $10 billion set of contingency funds, and in one widely cited Democratic claim values amendment $167 billion can be bridged by factoring in the share that can go to personal injury attorneys.

I do not want to cut them out from reasonable fees, but I do think $60 billion is unreasonable because that money comes out of the hides of the sick people. No wonder attorneys in this country are so looked down upon, especially personal injury lawyers. I happen to know about 90 percent of the ATL people are sick of this and sick of this 10 percent who are running wild taking advantage of the whole system and basically destroying the right of individual sick people to get adequate compensation.

This bill would take care of that problem. If the Democrats are advocating that the customary one-third of the award can go to the lawyers, then we are not that far apart as to how much money should go to injured workers and families. We should work together to see if we can agree on a reasonable level of compensation for these attorneys. I call them the Fred Barrons of this world and other personal injury lawyers who are bringing these suits in selected favored jurisdictions so they can get easier verdicts. I challenge them to come in and tell us what would be a reasonable level of attorneys' fees, and let's quit playing the game.

This is a no-fault, nonadversarial system that does not justify the type of attorneys' fees that have been ripping off the public, especially the sick, the weak, the feeble, and the injured the way the current broken tort system is. I have no doubt that public discussion of this issue may bring great consternation among the ranks of some of my Democratic friends due to their close relationships with many in the trial attorney bar. But if we are ever going to have a meaningful no-fault trust fund asbestos bill, we are not going to be able to guarantee and should not be asked to guarantee the usual one-third to 40 percent of the take going to the plaintiffs' trial lawyers regime. One-third or more going to the lawyers is simply too much, especially in a no-fault, nonadversarial system.

The unions should recognize this, and the public should recognize this, but most of all these lawyers ought to recognize this and quit ripping off the sick and the downtrodden and those who really deserve these moneys.

The silence of my friends across the aisle on this issue, both in private and public talks, is deafening. When we did the RECA bill, I was chairman of the Labor Committee. I fought that bill through for years until we finally were able to get it done. All these people are asking for more money for education, more money for all the social programs, more money for this, more money for that, and they were the ones who were giving us a rough time. Finally, after I was reelected, they then realized we better get on the ball and do something about this. That is how the radiation exposure compensation law, which is now followed by countries all over the world because of what we did, is now law, compensating people, not very much for the suffering they went through, nothing like we are going to compensate from the private sector, no way near what we are going to compensate here.

The silence of my friends on the other side of the aisle, both in private and public talks, is deafening. I heard some of my colleagues, who I respect, come on this floor with a straight face and say this is not the right way to do it, although last year it was. They were talking about this administrative approach is the right way to do it. Why isn't it the right way to do it during a

Presidential election year? I ask the people out there watching and listening, why is it they suddenly think this is not the right way to do it when we put up even more money before, giving in on at least 53 different amendments, have moved this into an administrative process in the Department of Labor that many on our side question? Why is it that they are still balking at this in this Presidential election year?

I think there is only one conclusion most people are drawing, and I hate to see that. I hate to see that. If they do not like this bill, they should offer a substitute amendment. Let's have it out. Maybe they will win. Maybe these 8,400 companies and 16 insurance companies will get clobbered even worse so they can barely survive, and some are still going to go into bankruptcy. They certainly will if some of these people with their outrageous demands get their way. It is time to stop talking generalities and start voting on specific amendments.

I want next to make a few remarks about the process that has been observed to date and why I will be very disappointed if we are not allowed to proceed to the bill tomorrow after the cloture vote. Just think about it; they are filibustering the motion to proceed. They could have easily given in just like that and said, No, let's go to the bill, and we will filibuster the bill. That would be the straight up way of doing it. But to filibuster the motion to proceed means they must be beholden to somebody to pull that kind of a procedural mechanism. That does not happen very often, and it should not be happening here.

Frankly, that we are being forced to vote cloture is disturbing to me and should be disturbing to everyone, although I do recognize if cloture is not invoked, it would be pleasing to these few trial attorneys who are milking this system dry at the expense of those who are sick and afflicted and downtrodden. They will not have to see if their customary one-third or 40 percent of representation in the asbestos claims in the new no-fault system can be justified on the floor of the Senate. That is just matter of fact and people need to know it. That is why I am here on the Senate floor.

I rise today in response, again, to complaints that I have been hearing from some Members on the other side of the aisle about being rushed to consider a national solution to this asbestos mess. As many of my colleagues know, the asbestos litigation crisis is not new to this body. We have been talking about the problem for the better part of a decade, but now that we find ourselves on the verge of considering a proposed solution, I am puzzled to hear that the process has somehow been unfair, that we are not acting as ''proper legislators'' for bringing this bill to the floor under the current circumstances.

I think anybody with brains would find these complaints devoid of any merit whatsoever, especially when viewed against the legislative history of this asbestos bill.

While we have tried to build consensus over the past 15 months, thousands of asbestos victims have gone uncompensated or left with only pennies on the dollars they deserve. Veterans and people like those in Libby, MT, are left with no one to sue. More than 70 companies have gone bankrupt and dozens more will soon follow.

Since we started working on this legislation, 60,000 jobs have been already lost at a cost of more than $2.2 billion in lost wages alone. Let me repeat these numbers so they can sink in. Sixty thousand jobs have been already lost at a cost of more than $2.2 billion in lost wages alone, and sadly another 400,000 jobs will soon be lost. Yet we still talk. There are compelling calls for action. There are empathetic expressions of compassion for victims. There are meetings and letters, promises of solutions to come and proposals to be made, and yet for all of this ocean of good intentions we are all still stuck.

Frankly, much of the current asbestos litigation is all too reminiscent of the mythical Jarndyce case from the Charles Dickens ''Bleak House.'' As my colleagues will recall, this was a case in which most of the estate was swallowed up by lawyers' fees and court costs.

One has to ask how and why we got to this point. In September 2002, when Senator LEAHY chaired the Judiciary Committee, he held a hearing on the asbestos litigation crisis. I commend Senator LEAHY for his efforts. The hearing was balanced. It was instructive, providing valuable evidence of the dire circumstances for asbestos victims, employees, companies, and insurance carriers. The judicial system and the American economy at this national embarrassment was left intact. That was a year and a half ago.

When I became chairman of the committee 4 months later, I immediately made it clear that I wanted to build on that record, draft a bipartisan legislative solution and pass it. Almost immediately, concerns were raised, warnings were issued: You are moving too fast, some said. The issue is not ripe, others advised. You better get it right, others still warned.

Two months later, on March 5, 2003, I chaired another hearing. Some of the same witnesses from before appeared again and the testimony made it abundantly clear that while the problem had gotten worse, there was bipartisan interest in the idea of creating a national trust fund. We heard solutions from a variety of perspectives—from academia, from business, from the unions, and from trial bar experts. I made clear I would incorporate any constructive proposals offered. I wanted a bill that would work. I wanted it to be a bipartisan bill.

As a result of hearing the magnitude of the asbestos problem, we worked toward drafting a bill that would create a national privately financed no-fault compensation fund for asbestos victims. As word spread about our efforts, warning flags were raised. Some in the minority on the other side of the aisle urged us to move slowly, not to rush; more time was needed; more talk was needed.

We finished drafting the bill and we shared it with others, both in the Senate and among interested shareholders. There was real interest and we were given several good ideas and suggestions. Unfortunately, for the first time the minority's caution chorus took voice: We're being rushed; we're being jammed.

This is the minority's caution chorus of worrisome lions. This is what we have been going through now for 15 solid months: Do not rush us; do not do this; do not do that; we must be cautious.

We were rushing them, we were jamming them; according to them; I was acting unfairly. All this drama was over a bill that I had not even introduced.

I had listened for hours and hours, worked with my colleagues on both sides of the aisle for days, weeks, and months. They asked that I delay introduction. They asked that I delay introduction so they could have more time to study the issue and my proposal, which I did. We had more meetings, more talk. I incorporated several of their ideas into the bill and asked if they would cosponsor it.

Now I am pleased that a few did. I am forever grateful to those on the Democratic side who did. There were two who did—two, after all this work. Fifteen months later, we are down to one. More said that it was not the right time. They were upset with the way I had shared my draft legislation.

On May 22, 2003, Senators NELSON, MILLER, DEWINE, VOINOVICH, ALLEN, CHAMBLISS, HAGEL, and I introduced S. 1125, the FAIR Act. The minority's caution chorus sang again. These miserable, cowardly lions sang again. They were being rushed. They were being jammed.

In truth, I introduced the bill 78 days after my hearing, 20 weeks after the beginning of the session, 6 months after the hearing of 2002. This was clearly no sprint.

On June 19, I held the first markup. Again, the minority caution chorus took over again and took voice. The issue was still too complex. The bill was too complicated. We were not doing it right. They were being rushed. They were being jammed. They asked for more time, and they were given it.

Unlike ever before, the committee's markup of the legislation was spread over 3 weeks, 3 solid weeks. We spent 4 separate days—not many bills take 4 days to mark up—considering changes, often working late into the night. We invited experts to sit with us as we worked through complicated medical issues. This was no sprint, no rush to judgment. There was no mad dash.

Interestingly, when there was engagement from the other side, agreements were reached. In fact, the committee was able to resolve what at the time was supposed to be the biggest impediment to reaching a consensus, an issue so fraught with partisan disagreement that it could never be resolved.

In the end, we accommodated scores of concerns raised by the minority and found a common ground on medical criteria that everybody, Democrats and Republicans, agreed to. It was a major victory. This bipartisan accord was achieved and the committee adopted it unanimously. This was one of the most ideologically divided committees in the Senate, some say the toughest committee in the Senate with those who are the most ideologically challenged, I should say, and I cannot disagree with that.

The next impossible hurdle was claims values. Again, I was told there was no way a group so divisive, so argumentative, so plainly disagreeable as the Judiciary Committee could reach an agreement on how much to pay victims. Now, despite the dire predictions, a bipartisan agreement was reached again. The committee adopted the Graham-Feinstein amendment on claims values by the whopping bipartisan vote of 14 to 3. Now I just want to mention to my colleagues on the other side that every one of the Democrats voted for that. Three of our Republicans thought it was too much money and they voted against it, and they may not have been wrong. The only problem is that we are way beyond that money today.

I might add that all of these negative votes were cast by Republicans who thought some values were too high. As my colleagues know, we are more moderate to conservative over here, and I cannot blame them for raising those issues.

On July 10, 2003, despite the constant wailing from the minority's caution chorus again, we reported the bill out of committee by a vote of 10 yeas and 8 nays and 1 abstention. We all knew more work had to be done before the legislation could be brought to the floor. We also knew there would be no bill unless there was a willingness on both sides to pass a solution to move towards the middle.

As summer turned to fall, there were sporadic attempts at additional negotiations involving committee staff, as well as among the leadership. Minor matters were resolved, but there was no evidence on the part of the minority's leadership of any real interest to engage in the kind of meaningful effort needed to finalize a bill. Individual members of the minority were very public about their interest in legislating, but those purportedly tasked with the negotiations did not possess the same zeal.

We have heard, for my whole 28 years, how much more concerned the other side is about people and their problems. Well, it does not take much to figure out their concern here is more about the trial lawyers and the personal injury lawyers who are involved, because they are sure not working hard, in my eyes, or I think anybody else who looks at it objectively, to find a way of helping those who are truly injured and hurt.

Now, while these efforts were making little progress, work was underway on another front beginning in August. Senator SPECTER began an intriguing, arduous mediation among the major stakeholders. That means the victims, the alleged victims, the trial attorneys, the personal injury lawyers, the insurance companies, the companies that have been sued, and companies that are about to be sued. He took on this job. I give him a lot of credit for it. He convinced Judge Edward Becker, former Chief Judge of the Third Federal Circuit Court of Appeals, to play a lead role as a negotiator, as a mediator, for which Judge Becker is eminently qualified. He and the judge forced the parties to spend dozens and dozens of hours together. We were there, so we do know.

We spent hours and hours, days, weeks, and months, arguing the positions and searching for a common ground. Senator SPECTER and Judge Becker should be commended for their Herculean efforts to keep the parties talking and, despite the objections of the representatives and the personal injury lawyers, there was progress—slow, incremental, but progress. The unions played a significant role. They were there virtually all the time.

However, we have never been able to satisfy them, even though their workers are the ones who are going to be hurt the most if this bill doesn't pass. They are the ones who are not going to get compensated because the moneys are being sopped up by personal injury lawyers and people who are not sick because these personal injury lawyers are going to jurisdictions that basically are out of whack, that really will not look at these things in a reasonable way and who basically find for whoever brings the case and find in huge amounts for people who are not even sick in many cases.

I compliment Senator SPECTER and Judge Becker. There has been some slow progress during that period of time.

During the fall, Senator FRIST and I spent considerable time working with those who would be paying for the fund to ensure its solvency. It was imperative that the bill establish a steady and sufficient flow of moneys without allowing the fund itself to perpetuate the same kind of economic disasters caused by the tort system as a whole and by the tort system with regard to this type of case.

By the end of October, these issues had been completed and there was a renewed attempt to begin negotiations with those on the other side of the aisle, but every time an overture was made, the caution chorus was being rolled out: We are being rushed. We are being jammed. Every time it was rolled out by the other side of the aisle.

There was always some reservation; Things were moving too fast; There were other more important issues; They hadn't been asked the right way; They were being rushed; They were being jammed. The reasons changed but the result was always the same—no real negotiations. In fact, to this day we do not have a substitute or an offer by those who are complaining on the other side—to this day. We don't even have a monetary amount other than they have thrown out $170 billion, which everybody knows cannot be the number.

During my tenure in this body, I worked with my colleagues in the minority on a number of issues, on landmark drug legislation, the Hatch-Waxman Act, which gave life to the generic drug industry and saved consumers and our Government tens of billions of dollars since 1984. I worked with minority Members on children's health insurance, on childcare, on tax reform, job training. I have worked with them on issues involving crime, on legal reform, and a whole raft of other issues.

The Members of the minority are excellent legislators and skilled negotiators. They have insightful and creative staffs. I have worked with them when they wanted to pass a bill, and I know what it is like when they want to pass a bill. I have worked with them when they do not, and I know what it is like when they do not. I am telling you this is a time when they just don't seem to want to, because there has been plenty of opportunity to resolve this matter.

It is not hard to tell the difference. When there is a genuine interest in legislating, one of two things happens. A member of the minority leadership comes on at the outset and his or her presence and commitment helps to generate sufficient pressure on both sides to move legislation.

The second way, the minority offers their own version of the bill enabling both sides to sit down and work through the differences and craft a compromise.

Here there was no move by the minority's leadership and there was never, despite repeated and frequent requests, any interest by the minority in introducing their own solution. Instead, they chose to spend their time finding fault with our legislation and complaining about our process.

Another concentrated effort to move the bill was made in November, last year, and not surprisingly the caution chorus came out and began singing its song again: We are being rushed; we are being jammed, even though there were a number of Democrats who stood up and said they had to get this done before the end of this year.

Where are the real Democrats? That is what I would like to know. The pressure continued, however. Interested

stakeholders would not take no for an answer. Hints were made about bringing the bill to the floor, even if it resulted in a filibuster. Suddenly the message changed. Now we were told the minority's leadership wanted to find a resolution, that there was bipartisan interest in passing a solution. It was implied if we would just postpone consideration to early next year, there would be ample time to finish work on this bill.

The majority leader agreed and on November 22, 2003, he announced he would not bring up the asbestos bill prior to the end of the session. Instead, he would give the parties additional time to complete their negotiations. But he made clear his intention of bringing the bill to the floor this year.

His announcement was well received by the other side. I remember. As this year began, it was clear from the outset that, despite the promises of November, little had changed; there were no real breakthroughs. So, in February, the majority leader announced his intention to bring the bill to the floor the third week of April. But yet again the caution chorus rolled out its usual objections: The issue was too complex; the legislation was too complicated; they were being rushed; they were being jammed. Indeed, we even offered to engage in protracted negotiating sessions, but again the Democrats demurred.

In February, my staff sent an e-mail to Democratic staffers proposing a multiday negotiation to seek a resolution of the issue. It contains an offer to meet during all-day sessions, ''during recess weekends, or weekends during session.''

The response from the minority was unambiguous: Don't rush us. Don't rush us.

Senator SPECTER, to his credit, kept pushing forward and, as a result of his efforts, the stakeholders reached agreement on what was supposed to be another impossible hurdle, the administrative structure, which I mentioned earlier.

The proposal was not to our liking. It would require a fundamental change in our position, allowing the fund to be run out of the Department of Labor, but because organized labor signaled its strong support for this change and because we wanted to reach consensus on other critical issues remaining on the bill, we agreed and we agreed despite the objections from many on our side of the aisle and in spite of the objections from the White House.

The minority, instead of accepting this concession, instead of endorsing this considerable victory for organized labor, made it clear that this significant agreement meant nothing more than a chance to bank an advantage. They offered no alternative. They revealed no new proposal or compromise. In fact, it is reminiscent of the style of negotiation that says: What is mine is mine; what is yours is negotiable.

Nonetheless, additional proposals were made but there was no counteroffer, none of the typical give and take that is the hallmark of serious negotiations in this most important legislative body in the world. It was like trying to play tennis with a curtain. There is never any meaningful discussion of what the payers, the ones who have to pay these bills, most desire and, frankly, they deserve: a fair and predictable payment schedule.

Whatever we do is going to be tough on the payers here. This bill is plenty tough on the payers. Don't think they are not squealing; they are.

It was now obvious even to the most optimistic Member of this Chamber that it would be impossible to bring a consensus bill to the floor, one supported by the leadership of both parties. We are hearing Senator LEAHY has at last put together an alternative proposal on this national trust fund. Has it been introduced? Have we even seen it? Of course not. The only choice left was to bring a bill to the floor and hope enough Members of the minority thought the issue was of sufficient importance, as they have repeatedly said, to allow the Senate to consider this bill.

To help facilitate discussion, I introduced, with Senator FRIST and Senator MILLER from the other side of the aisle, S. 2290, a second version of the bill which incorporated many significant changes that have been made since the legislation was first introduced and first reported from the committee.

That is the legislation before us today. It contains the bipartisan agreement on medical criteria. It contains the agreement reached by the stakeholders on the revised administrative structure and numerous other changes adopted during the Specter negotiations that have all been to try to get the Democrats to move on this bill. It contains the handful of changes agreed to by both sides since the bill was reported out of committee. It also contains higher claims values passed by an overwhelming bipartisan vote of committee and incorporates yet another monumental change and another fundamental concession to address the complaints by the minority.

We have included provisions in the bill to make clear that the risk of insolvency will not be borne by the asbestos victims; it will fall on the defendant companies and their carriers. If there are insufficient moneys, the fund will terminate and parties will return to the tort system—to Federal courts. There is no point in sending it back to the State jurisdictions that created the asbestos crisis in the first place.

Here we are today. The time has come to act. The day of decision has arrived. Unfortunately, to no one's surprise, the caution choir is on its feet again, or somewhat on its feet, I guess I should say: They need more time; the issues are too complex; the bill is too long; they weren't consulted the right way; they were being rushed; they are being jammed.

I was told by many at the beginning of last year that when I embarked on this legislation the Democrats would simply run out the clock. They will never let us vote on a bill that could deprive them of their huge cash cow.

First, Democrats would push into the election year, they said. Then they would filibuster a motion to proceed. That is exactly what has happened so far in their zeal to make sure that their hard money donors get their way at least this year—an election year. It is not too late to change that.

Let me just say that the caution chorus is sounding like a broken record that needs to be shut off. It has been 333 days since S. 1125 was introduced.

A hundred years ago, it took Christopher Columbus only 222 days to discover the new world and return to Spain—one of the most remarkable discoveries in the history of the world. It took Neil Armstrong only 8 days to travel to the Moon and back. Our forefathers were able to write the U.S. Constitution in only 4 months. But somehow there hasn't been enough time for the minority to help write this bill although they have had a lot of say and have had a lot of concession. We have tried to do everything to bring them to the table and get things done. Here we find ourselves in a filibuster on the motion to proceed.

This caution chorus of cowardly lions reminds me of what is going on. Of course, there was one big difference. In those historical examples, the players actually wanted to finish. They actually wanted to discover an America. They actually wanted to go to the Moon.

Over these 333 days, we have had numerous congressional recesses and holidays. Just look at this. Over 333 days, and we are now under a filibuster. That comes from the Spanish word ''filibustero,'' meaning pirating or hijacking. It is just one more obstruction. We have had nothing but obstruction since George Bush has become President of the United States—over and over. There have been very few bills passed, and the ones that have passed have had to overcome the obstructionism. My goodness. There are some Democrats who have been willing to overcome obstruction, but on this one, it has not been brought to conclusion.

We have had one entire summer, the fall, winter, and we are quickly working our way through spring. How much more time is needed to sit down and get this matter resolved? The time has come for the minority to stand up and be counted.

If they are genuinely troubled by our proposal and all the agreements we have reached with them, they have an obligation—indeed a responsibility—to offer their own solution. The challenge is on them. Introduce a bill. Make sure it strikes the same balance demanded of us. Make sure it is fair in the way we have tried to make it fair. Make sure it provides adequate moneys for asbestos

victims. Make sure it provides compensation quickly, efficiently, and fairly. Make sure it does not reward the unimpaired, those who aren't sick. Make sure it is not hijacked and turned into a smokers' compensation fund. Make sure it does not bankrupt more companies and throw hundreds of thousands of Americans out of work and out of their health plans, their pensions, or wipe out their lives financially.

That is what is going to happen. For the life of me, I can't understand why many in the trade union movement aren't jumping on this bill in every way they possibly can because their employees are the ones who are getting hurt. They will never get the money we have in this bill if we don't pass a bill.

Make sure it doesn't stick the Federal Government with a bill at end of the day.

Now you on the other side of the aisle have claimed that the asbestos crisis must be fixed. You have all agreed there is a crisis in our country. You have conceded that the tort system is broken, that we have a historic opportunity to act. The end is within reach, and we must grasp it.

But here we are. I think the time has come to act, to make good on the promises which have been made on the other side of the aisle, to demonstrate the leadership and responsibility our Nation demands when we are asked to do our job to fix a national crisis. It is time to move past our alleged mistakes and complaints about perceived procedural insensitivities.

It is time for the caution choir, which we have been looking at here today, to quit singing ''We are being rushed; We are being jammed.'' It is time for the real interests to take a stand and to do what is right.

It is getting late in the day to appoint another committee and schedule more meetings and talk. It really bothers me that they are filibustering the motion to proceed, which has only been used on rare occasions before the last few years, before the obstructions that have been occurring on a regular basis. People in the past were willing to debate these bills and were willing to try to amend them if they didn't like them, willing to be legislators and not obstructionists, willing to do what is right for the American people.

We have now been on this bill 15 solid months and we still have not seen, other than demands during negotiations, what our friends on the other side must have to resolve this problem, which in many respects is the most dangerous problem hanging over America today, especially for employees, especially for union members, especially for those who want health care and who want their pensions to be saved, especially for 8,400 companies on the one hand, and maybe more if these voracious personal injury lawyers continue to conjoin people who really have had nothing to do with asbestos but have been conjoined in these actions where they are stuck with humongous defense costs and attorneys' fees themselves, so the moneys that would go to the sick and the needy, those who really need it, go down the drain of legal fees, clogging our courts so that other legitimate cases can't be brought.

Again, I will return to that message. Why is it that we are going through this type of chorus charade? Why is it that we haven't had more cooperation? Why is it that we can't get them to come up with what is needed to resolve this morass? Why is it during this election year?

All I can do is ask the question. I think anybody observing knows what the answers are. At least that is what has been alleged to me. That is what has been suggested. I hope it is not true.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to express my appreciation to the distinguished chairman of the Judiciary Committee. He has served in this Senate for many years. He is himself a superb lawyer, a constitutional scholar, and has been through many of these debates.

I remember on one night after 11 o'clock at night when the chairman met with everybody who had a problem. He urged them to come forward. He compromised and compromised.

Frankly, sometimes I think maybe the bill has gone too far—really seriously. We need to talk about that, offer amendments to fix it. We ought bring the bill to the Senate floor and start to discuss that.

But Senator HATCH has bent over backwards to make sure this legislation which is critically needed for America passes. It is critically needed for people who are sick from asbestos and those who fear they might get sick from it. I thank the chairman for his leadership. I have not known any effort that I have seen in which a chairman has gone further to try to win the support of other members in the committee and the Senators who might be dubious, to get their support. And the Senator continues to get it.

I thought we had the bill completed. I thought we had everybody signed up. I yield to the chairman.

Mr. HATCH. I thank my colleague for his kind remarks. I appreciate the hard work the Senator and others have put in on this side. There are some on the other side who have worked hard. Particularly, I express my gratitude to Senator MILLER, Senator NELSON, and Senator FEINSTEIN. I understand Senators NELSON and FEINSTEIN are probably going to vote against cloture. I don't know. I cannot speak for them. I hope not. They are two who have tried to work with us on this bill.

If that is laid down, I don't know where we will go. I am afraid an awful lot of people will be left high and dry while these trial lawyers, the personal injury lawyers, walk off with $60 billion in fees and costs that could go to people who are sick. I don't begrudge attorneys the fees they earn. We have more than made a case that the system is broken. There are a certain limited number of personal injury lawyers who are taking advantage of the system and doing it in ways that are reprehensible.

Mr. SESSIONS. I thank the chairman. I agree with his comments. I thank him for doing all that humanly could be done to win the support necessary for this bill.

I had a brief period of time in which I filed plaintiffs' lawsuits for individuals who had asbestos injuries. These individuals were sick; asbestos is a debilitating disease. They had been heavily exposed to asbestos. One individual worked in a submarine, where the air inside was thick with asbestos fibers. He was severely debilitated as a result of that. I believe people who are injured ought to be compensated.

It was discovered that manufacturers of asbestos knew at some point before they told people who were working on it that it was dangerous. And they should have told them it was dangerous and their health was at risk and they did not do so. That is the fundamental cause of the litigation.

I filed my asbestos litigation in the 1970s. I eventually turned it over to a group of lawyers who were experts in this matter. They took the case. I was not able to do it. They did a lot of work. They had to break down barriers, win the liability questions, and prove knowledge on the part of the companies. They overcame legal objections such as whose asbestos did you breathe.

Most plaintiffs' lawyers today involved in litigation are not proud of what has happened with asbestos. The companies have been tagged. The companies are stuck. They admit they did wrong. They are willing to compensate, as they are able to compensate. There is only so much money. We are talking about billions of dollars, maybe $54 billion already paid out.

I was there as a lawyer and earned part of a fee out of the litigation. I didn't know how it would come out or what the statute of limitation was. Maybe my claim has expired. But things have changed. The companies are willing to pay. Some victims are sick and need compensation. They need it now. They do not need to have a big chunk of what they are entitled to paid to lawyers or to experts or testing companies. They need to be paid. It is a blight on the legal system.

I see the distinguished assistant Democratic leader. He is a superior lawyer, and would do an admirable job in court, no doubt. But, these cases are not going to trial. It is a process. These cases are filed and settled, and sometimes victims are paid. Certain defendants do not have money, so they cannot pay. Sixty asbestos companies are in bankruptcy today because they cannot pay or cannot fully pay all the claims. Thousands of new claims are being filed on a regular basis.

The new trend is that people not sick are filing. They may have been exposed to asbestos, and there may be some showing of asbestos in the pleura or their lungs, but it has not had a debilitating effect or not caused cancer or anything like that, and they are filing by the tens of thousands, saying they might get sick. But they are not sick yet.

What do you do? It is perfectly appropriate that this Congress act. We do it with workmens' compensation. A person is injured on the job, they get compensation under certain circumstances. It is a lot easier to get it, but it is limited and you do not have to pay so much expenses and it works pretty well. That is all by regulation. We do not leave everything totally to juries, judges, and lawyers to settle.

I believe in the principle of the Congress stepping in, when necessary. The fundamental reason I believe, is that, in my view, in the history of the most magnificent legal system we have, the Anglo-American heritage of law, we have ever had a system that has been as abused. Sixty percent of the money paid out by the defendant companies, over half of it, 60 percent according to testimony we had a number of years ago in the Judiciary Committee, does not get to the people who are sick. It does not get to any plaintiff. It is eaten up by court costs, lawyer fees, expert witnesses, and testing companies. That is not right.

It is not right when the defendants themselves admit they are wrong and are willing to pay. In fact, they do pay and they agreed to pay and they have trusts that are supposed to pay, but the trusts are getting drained of money. Companies are going into bankruptcy and fewer and fewer victims are getting paid.

If we care about the rule of law, if we care about decency, fundamental fairness, if we respect law, if we love the law, we should not allow a situation to continue where the defendant companies are willing to pay, and the plaintiffs, some of them desperately need payment, but the plaintiff only ends up getting 40 percent of what is paid out. The defendant companies have to hire lawyers, too, whole law firms. They file papers and disclosures and depositions and expert witnesses. This is just chewing up money, money, money, money.

Now, if somebody has mesothelioma, a cancer that causes death, they ought to be paid. They do not need 60 percent of what they are entitled to, to go to some lawyer, some defense lawyer or some expert witness or court cost. And they ought not to die before they get it.

Under this bill, if you file a claim and you have mesothelioma—which is tied directly to asbestos—it is caused very few times other than by asbestos, and you can demonstrate exposure to asbestos and mesothelioma, you get $1 million. That is what the latest figure is. And you do not need a lawyer at all. You get it now. Under the current system, they file lawsuits, months go by before anything results. The plaintiff wants $25 million. The defendant wants to pay $500,000.

They go along and along, and all the time the families are suffering, the plaintiffs are suffering, and maybe even dying. That is not good. Then, when it is paid, finally, some of the companies do not have the money. Some insurance companies say they are not liable for this part of the claim, and it goes on and on and on.

I deeply believe we need to end this spasm. This is not good. It is not something any lawyer can be proud of. In fact, I think everybody is embarrassed by it.

Let me read from Justice Ruth Bader Ginsburg of the Supreme Court, a former member of the ACLU—one of the more liberal Justices. This is what she wrote in 1997:

> The argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair and efficient means of compensating victims of asbestos exposure. Congress, however, has not adopted such a solution.

In 1997 she wrote that; and we have been battling this ever since. Every effort has been made.

Now we have proposed a $100 billion fund—not millions—$100 billion, set aside for payment of these claims. That is apparently not satisfying everyone. In Ortiz v. Fiberboard Company, in 1999, Justice Souter—another one of the liberal members of the Supreme Court—said:

> The elephantine mass of asbestos cases defies customary judicial administration and calls for national legislation. To date, Congress has not responded.

We have people here who are filibustering this bill from even coming up, saying they are being rushed. This bill and this idea and this concept of creating a nationwide claims processing regime, as Justice Ginsburg called it, is overdue by decades. It is wrong what we are doing. It is being blocked, I can only conclude, by a partisan special interest effort. The only people who have an interest in continuing this despicable regime are a few lawyers who are getting absolutely rich from it—$54 billion, and you have a 40-percent contingency fee.

Senator HATCH said, when this thing is over, lawyers would make $100 billion. And don't think it is a lot of them. It is not a lot of them. It is not the basic plaintiff bar. These lawyers have 10,000, 20,000, 30,000 cases they are handling. It is not right. It is wrong. The people who are blocking this need to be ashamed of themselves.

The Supreme Court Justices have called for reform. It is threatening our economy. They develop schemes now where companies that had even the most tangential connection to asbestos are getting sued. If you can just ever tap them. If a company bought a company that dealt in asbestos, and that company had ceased dealing with asbestos for 10 years, they can be bankrupted because they have become liable for the company they bought, their actions 10, 15 years before they bought it. Do you think that is not possible? It is possible. It is happening right now.

These companies and the insurance companies and the reinsurance companies have come together and put up $100 billion—$100 billion. All we need to do is set up an administrative claims processing system where persons who are sick, who have any disability, really any health defect can file a claim. Those who are not ready, those who do not have a claim, who fear they might be sick at some time in the future, can file their notice and will be given a constant monitoring of their health. If they do get sick, they can be compensated fully.

So we would be getting money to the people who are sick. We would be reducing the need for these huge, outrageous legal fees from the plaintiffs' lawyers. We would be eliminating all the lawyers' fees paid by the asbestos companies.

There are companies that bought asbestos companies, and people who sold brake shoes, and anybody who had anything to do with asbestos, who are being sued. Now there are 8,400 companies being sued. Most of them never produced asbestos, never knew anything about asbestos, never dealt with asbestos. So these people are willing to put up $100 billion.

We simply ought to be able to establish a system by which sick people can be paid, and paid promptly, without these costs. If we do not, who is going to lose most? The plaintiffs are going to lose. These companies are going into bankruptcy. It is hurting this economy. It will continue to hurt America's economy.

I thank the Presiding Officer. I appreciate the opportunity to share these remarks. I think it is important. I hope the Senate will move forward.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, it is my understanding the majority leader is on his way.

I will withhold and ask the distinguished majority leader to do the close and then allow me to finish my speech.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the consideration. I will move through, fairly quickly, some business that finishes up on today and explains what we will be doing tomorrow.

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.

2004 NATIVE FAMILY WELLNESS CONFERENCE

Mr. DASCHLE. Mr. President, I would like to take this opportunity to honor an outstanding collaboration taking place between organizations of the Yankton Sioux Tribe and the neighboring town of Wagner—the Native Family Wellness Conference. This 3-day initiative is the result of the tireless work and cooperation among the Boys and Girls Club of the Yankton Sioux, Brave Heart Society, Canku Teca Treatment Center, and the Indian Health Service's Wagner Service Unit. In particular, I want to commend Faith Spotted Eagle, Jenny Noteboom, and Amy Schwenk-Doom for their leadership in this effort.

As we know all too well, the lack of quality health care in Indian Country is having a devastating impact on the health of far too many Native Americans. The availability of only ''life or limb'' treatment in our IHS hospitals has heightened the importance of health and wellness education in Native American communities, and I applaud the initiative demonstrated by this collaborative in developing the Native Family Wellness Conference.

The great leader Sitting Bull once said: ''Come, let us put our minds together and see what kind of life we can make for our children.'' The Native Family Wellness Conference embodies Sitting Bull's hope for the future by teaching children, both Native and non-Native, about the importance of health and wellness in both their cultural heritage and personal future.

Children and families will have the opportunity to learn about the effects of diet, drug abuse, and exercise on personal and family wellness during a series of breakout sessions on April 29 and 30. Those who participate in the sessions will be invited to join a fun run/walk with the Lakota Olympian Billy Mills and a concert by the band Brule of Lower Brule.

Billy Mills and his organization, Running Strong for American Indian Youth, have dedicated almost 20 years to providing Native Americans with the tools needed for survival and to build self-esteem and self-sufficiency. Billy Mills' participation in this conference demonstrates the importance of this collaboration, and I also want to thank him for his dedication and commitment to the health and well-being of Native Americans.

In recent months, countless organizations from the Yankton Sioux Tribe and Wagner have joined in support of the Native Family Wellness Conference. The Bureau of Indian Affairs police department, Fort Randall Casino and Hotel, Indian Health Services Diabetes Project, Native American Community Board, Lewis and Clark Mental Health Services, Marty Indian School, Wagner School District, Wellmark Foundation, the Yankton Sioux Tribe's Business and Claims Committee, Tribal Health Program, Healthy Start Program, Housing Authority, Tribal Courts, and Tribal Youth Program have also contributed their time and talents to the conference. These organizations and their members are to be commended for their involvement in this important event.

Our children are our greatest resource, and the Native Family Wellness Conference is a great investment in the health of our future generations. That is why I am proud to honor this outstanding effort.

HONORING OUR ARMED FORCES

LANCE CORPORAL BENJAMIN CARMAN

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to LCpl Benjamin Robert Carman who bravely gave his life for our country in Operation Iraqi Freedom. I offer my deepest sympathy to his parents, Marie and Nelson, as well as his siblings; James, Catherine, and Amelia. LCpl Carman was killed in action by small arms fire during combat operations in the Al Anbar Province of Iraq on Tuesday, April 6, 2004.

LCpl Carman is the eleventh Iowan to be killed in Operation Iraqi Freedom. I appreciate his faithful service to our country and the patriotic mission that he died supporting. The attitude that Ben had toward his military service was summarized by his pastor at his funeral; ''Ben died because he loved freedom. He died because he loved justice.'' LCpl Carman was not afraid to courageously serve his country and accomplish his duty. As an Iowan, I am proud of this exemplary young man who will be missed by many.

Ben Carman graduated from Jefferson-Scranton High School in 2002 where he excelled in the industrial arts, winning first in the State on several occasions in the sheet metal category of an industrial skills contest. He also participated in football and golf and was well loved by his classmates. Ben also loved the outdoors and his hobbies included fishing, hunting and camping. He was a proud Marine who proved himself to be a true hero and patriot. LCpl Ben Carman lived out the Marine motto, Semper Fidelis, always faithful, and is a credit to his State and to his country. I again express my sympathy for Ben's family and my gratitude for his courageous service.

VETERANS SHOULD RECEIVE TIMELY ACCESS TO HEALTH CARE

Mr. GRAHAM of Florida. Mr. President, I recognize the dedication of the Paralyzed Veterans of America, PVA, and their support of spinal cord injury research. Through their Spinal Cord Research Foundation, PVA support has aided researchers in making huge advances in this crucial field.

Last Friday, in conjunction with PVA Awareness Week 2004, three spinal cord injury researchers detailed the contributions PVA has made toward improving treatment for and, hopefully, eventually ending paralysis. Stephen G. Waxman, M.D., Ph.D., professor and chairman of neurology at Yale University, discussed ''Protecting and Repairing the Spinal Cord: Gifts from the Molecular Revolution.'' Among other topics, Dr. Waxman discussed how his lab had created chronic neuropathic pain in a rat, which the lab was then able to successfully ''turn off'' and ''turn on'' through chemical manipulations.

Mindy L. Aisen, M.D., the deputy chief research and development officer and rehabilitation research and development service director for the Department of Veterans Affairs, VA, addressed ''Spinal Cord Injury Reasearch: The VA Perspective.'' She spoke about the large scope of VA research, which extends well beyond spinal cord dysfunction. She specifically discussed the diaphragmatic pacer used by Christorpher Reeve, which was invented at the Cleveland VA Medical Center, and she noted the wound healing studies conducted by VA.

Alessandro Ghidini, M.D., a specialist in high-risk pregnancies and director of perinatal research for the department of obstetrics and gynecology at Georgetown University Medical Center, spoke about ''Obstetrical Outcomes of Women with Spinal Cord Injury.'' Dr. Ghidini is just beginning a PVA research foundation grant to document the obstetrical experiences of 60 women with spinal cord injuries, and she talked about the main concerns that arise when these two major conditions interact; complications from both can create a number of medical emergencies that healthcare professionals and women with spinal cord injuries must know about in order to carefully and successfully manage them.

These medical professionals demonstrated the great strides the PVA Spinal Cord Research Foundation has helped to make in alleviating the hardships of paralysis, and they provided a glimpse into the promising future of spinal cord injury research.

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.

Chicago police issued a community warning the week of April 5, 2004, alerting North Side residents of slayings of two gay men under similar circumstances. The bodies of Kevin Clewer and Brad Nelson were found in their apartments in March and August, respectively, with multiple stab wounds, police said.

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.

NATIONAL LIBRARY WEEK

Mr. SARBANES. Mr. President, this week, from April 18th to 24th, we are celebrating the 46th anniversary of National Library Week. As a strong and vigorous supporter of Federal initiatives to strengthen and protect libraries, I am pleased to have this opportunity to take a few moments to reflect on the significance of libraries to our nation.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the free and open exchange of ideas embodied in the Constitution itself. Libraries have always been an integral part of all that our country stands for: freedom of information, an educated citizenry, and an open and enlightened society. They are the only public agencies in which the services rendered are intended for, and available to, every segment of our society.

It has been my longstanding view that libraries play an indispensable role in our communities. From modest beginnings in the mid-19th century, today's libraries provide well-stocked reference centers and wide-ranging loan services based on a system of branches, often further supplemented by traveling libraries or on-line libraries serving outlying districts. Libraries promote the reading of books among adults, adolescents, and children and provide the access and resources to allow citizens to obtain reliable information on a vast array of topics.

Libraries have gained even further significance in this age of rapid technological advancement because they are called upon to provide not only books and periodicals, but many other valuable resources as well. In today's society, libraries provide computer services, Internet access, audio-visual materials, facilities for community lectures and performances, DVDs, CD-Roms, tapes, and works of art for exhibit and loan to the public. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

Of course, libraries are not merely passive repositories of materials. They are engines of learning—the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge available. I have the greatest respect for those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our library system.

My own State of Maryland has 24 public library systems providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. This policy has been enhanced by the State Library Network, which provides interlibrary loans to the State public, academic, special libraries, and school library media centers. The Network receives strong support from the State Library Resource Center at the Enoch Pratt Free Library, the Regional Library Resource Centers in our Western, Southern, and Eastern Shore counties, and a Statewide database of periodicals from over 100 libraries.

The State Library Resource Center alone gives Marylanders free access to approximately 2 million books, over 1 million U.S. Government documents, 600,000 magazines, newspapers and books in microform, 11,000 periodicals, 90,000 maps, 20,000 Maryland State documents, and 19,000 videos and films.

The result of this unique joint State-County resource sharing is an extraordinary level of library services available to the citizens of Maryland. Marylanders have responded to this outstanding service with almost 58 percent of the State's population registered as library patrons. Additionally, the total holdings of catalogued and uncatalogued book volumes, video and audio recordings, periodicals, electronic formats, and serial volumes have increased by 1.2 million from 1998 to 2002 to total almost 16.8 million library holdings.

I have had a close working relationship with members of the Maryland Library Association and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the Nation in this week's celebration of ''National Library Week.'' I look forward to a continued close association with those who enable libraries to make their unique and vital services available to all Americans.

CHINESE COMPETITION

Mr. GRAHAM of South Carolina. Mr. President, one thing I have learned in the last couple of years is that everywhere I go the manufacturing community at home keeps bringing up on topic, Chinese competition. Due in large part to China's unfair trade practices; South Carolina alone lost 41,000 jobs in 2003. Most of these jobs were textile and related industries. In the last five and a half years, three million American manufacturing jobs have been lost. Since 1997, the U.S. textile industry has closed more than 250 textile plants in the country and more than 200,000 U.S. textile workers have lost their jobs.

Why is this happening? Why are American manufacturers not able to keep up with the Chinese? It is not because our workforce is intellectually inferior, and I don't believe our workforce is lazy. And it certainly isn't because we haven't invested in the most modern equipment.

It is because China cheats. China's accession agreement to enter the WTO consisted of numerous commitments by China to transition to a market and rules based economy. China has yet to live up to their commitments. The theory of free trade is a great theory, but it only works if other people buy into that theory. It is hard to have free trade if you do not even believe in free speech. Through its unfair trade practices, China continues to steal market share, and the U.S. manufacturing industry is at serious disadvantage.

China's currency, the yuan or renminbi, has been tightly pegged at 8.28 yuan to the U.S. dollar since 1994, which most economists believe to be a severe undervaluation of their currency. Most economists estimate China's currency to be undervalued by as much as 15 to 40 percent. This undervaluation makes China's exports less expensive for foreigners, while making foreign products more expensive for Chinese consumers, resulting in an effective subsidization of Chinese exports and poses a virtual tariff on Chinese imports.

Consequently, since 1994, China's economy has grown dramatically, averaging over 8 percent per year. The U.S. trade deficit with China in 2003 reached a record $125 billion. In 1994, when China first began to peg its currency to the dollar, the United States trade deficit with China was $29.4 billion.

China has been in clear violation of International Monetary Fund, IMF, and world Trade Organization, WTO, commitments by maintaining an unfairly low exchange rate to gain a competitive advantage. IMF Article IV states that members should ''avoid manipulating exchange rates . . . in order . . . to gain an unfair competitive advantage over other members.'' The U.S. China Economic and Security Review Commission, a bipartisan commission created by Congress, found in its September 25, 2003 hearing, that: ''China, in violation of both its IMF and WTO obligations, is in fact manipulating its currency for trade advantage'' and recommends that the Treasury Department ''immediately enter into formal negotiations with the Chinese government'' over its undervalued currency. The Commission further ''urges the Congressional leadership to use its legislative powers to force action by the U.S. and Chinese Governments to address this unfair and mercantilist trade practice.''

At this hearing, Fred Bergsten, Ph.D., Director of International Institute of Economics, testified that a revaluation of 20 to 25 percent of the yuan should permit other Asian currencies, including Japan, Taiwan, North Korea, to go up at least partway, maybe 10 percent or so, because with the yuan appreciating, they would be willing to appreciate against the dollar since it would actually create a depreciation of their own currencies against the Chinese currency, their main competitor. If you put all those currency

changes together the result would be a $50 billion reduction in the U.S. current account deficit, which in turn translates to about 500,000 high-paying jobs, mainly in manufacturing in this country.

Senator CHARLES SCHUMER and I have introduced legislation that would require China to abide by its international trade agreements and stop manipulating their currency. The goal of this legislation is to remove China's unfair currency advantage and the detrimental impact that it is having in the U.S. and abroad.

Our legislation would require the Secretary of the Treasury to immediately enter into formal negotiations with China to ensure that China initiates a process to adopt a market-based system of currency within 180 days of enactment of this Act. If China refuses to do so, a 27.5 percent tariff will be imposed on all China's exports to the United States in order to reduce the export advantage provided by China's unfairly and illegally valued currency. The President of the United States has the authority to remove the tariff once he certifies to Congress that China has moved to a market-based system of currency valuation.

This legislation works within the framework of international trade laws. Article XXI of the General Agreement on Tariffs and Trade allows a member of the World Trade Organization to take ''any action which is considers necessary for the protection of its essential security interests,'' particularly ''in a time of war or other emergency in international relations.'' The President has stated a view that many of us hold, that our nation's manufacturing capability is a vital national interest. I know I am not alone when I say that this national interest is threatened by China's unfair currency practices.

Something must be done to alleviate the detrimental economic impact China is having on our manufacturing industry or at the very least, to level the playing field for future generations. I urge the Leadership to allow a vote on this important legislation. I believe it will receive overwhelming bipartisan support and give the Administration one more tool to get the Chinese to uphold their WTO obligations.

As long as we sit by and allow China to maintain its unfair trade advantage, the United States will continue to hemorrhage jobs. Passing this legislation is one step further to ensuring that China abides by the rules.

ADDITIONAL STATEMENTS

HONORING ALYSON MIKE

● Mr. BAUCUS. Mr. President, I rise today with great pride to honor Montana's 2004 Teacher of the Year Award winner, Alyson Mike. Alyson overcame a lengthy list of quality teachers in Montana to secure this award. It is an honor to recognize her outstanding contribution to Montana.

Alyson represents the type of teacher Montana has come to expect from its teaching community. She is an educator who meets the highest standards of professional excellence. Alyson is a student's teacher. She delivers to each and every one of her students without expectation of reward.

Alyson teaches middle school science at East Valley Middle School in Helena, MT, my home town. Sadly, like so many other rural communities, Helena has struggled economically in recent years. In this community, bake sales, garage sales, and silent auctions have become the norm, simply to raise funds for the school. But this has not stopped Alyson and members of the community from making sure the students receive what they need to succeed.

Like so many Montana teachers, Alyson takes a hands-on approach to ensure her students have access to a variety of materials and equipment. In Alyson's mind, there are no limits to what her students can accomplish.

Alyson earned her National Board Certification and has become a State leader in Montana's professional development. She is a leader to her students and encourages other teachers to make a difference in student's lives. Alyson's extensive background and knowledge in science, proven teaching strategies, and great sense of humor make her a Montana treasure.

We in Montana are very fortunate to be able to claim a teacher like Alyson Mike as our very own. She is a fabulous representative of the very best of public education in Montana and across our Nation.●

HONORING STUDENTS REPRESENTING RHODE ISLAND IN THE ''WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION'' COMPETITION

● Mr. CHAFEE. Mr. President, from May 1–3, 2004, more than 1,200 students from across the United States will visit Washington, DC, to take part in the national finals of ''We the People: The Citizen and the Constitution,'' an educational program developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the ''We the People'' program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that students from Central Falls High School will represent the State of Rhode Island in this national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to Washington and compete at the national level.

The three-day ''We the People'' National Finals Competition is modeled after hearings in the U.S. Congress. The students are given an opportunity to demonstrate their knowledge before a panel of judges while they evaluate, take, and defend positions on relevant historical and contemporary issues.

I wish these students the best of luck at the ''We the People'' national finals and applaud their achievement. I am sure that this valuable experience will encourage these young Rhode Islanders to remain engaged with government and public policy issues in the future.●

ERNIE HARTUNG, UNIVERSITY OF IDAHO'S TWELFTH PRESIDENT

● Mr. CRAIG. Mr. President, today I pay my respects to Ernie Hartung, the 12th president of the University of Idaho, who passed away last fall.

I felt a special kinship to President Hartung for two reasons. The first was that we both came to the university as freshmen in 1965. He as a freshman president and I as a freshman student. As he often said, he considered himself to be a member of the class of 1969 because of that freshman connection.

The second reason for our special kinship was that I served as student body president in 1968–69 and had a close working relationship with President Hartung. He was a tireless advocate for student involvement, and the students responded by becoming strong, vocal supporters of President Hartung.

It is unlikely that any University of Idaho president ever generated the degree of grassroots student support that Ernie Hartung did. The best indication of this came on March 17, 1969. The university was facing a number of serious issues, and President Hartung had been publicly criticized by the Governor. In response, 4,500 students showed up at a campus rally on a cold, rainy night to voice their support for their university president. It was a remarkable showing of support for an extraordinary leader.

Ernie Hartung had a significant impact on the lives of thousands of Idahoans. On April 24th, 2004, the University of Idaho will be honoring this leader and his contributions. I appreciate my colleagues joining me today while I acknowledge all that President Hartung did, not only for me but for thousands of other University of Idaho alumni and Idahoans. While we miss him sorely, it is comforting to know that Idaho is a better place because of Ernie Hartung.●

NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

Mrs. MURRAY. Mr. President, I rise today to ask my colleagues to join me in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases, PIDD, are genetic disorders in which part of the body's immune system is missing or does not function properly.

The World Health Organization recognizes more than 150 primary immune diseases, which affect as many as 50,000 people in the United States.

Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenous immunoglobulin, IGIV. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I want to share with my colleagues the story of one family in Washington State affected by PIDD, the Trump family, who have common variable immune deficiency, CVID, one of the more common forms of primary immune deficiency diseases. Gary Trump's first wife, Tracee, carried CVID for at least 18 years prior to diagnosis. During that time, she suffered repetitive infections, even life-threatening disease, but was never properly diagnosed. In 1993, 8 days after the birth of their second son, Christian, Tracee was struck down by viral encephalitis, and suffered through 4 years of pain, amnesia, and total disability prior to passing away in 1997. Their first son, Darren, also had numerous infections, almost from birth. Within a year of Tracee's diagnosis, Darren was tested and found to have CVID. Christian, who nearly died of viral pneumonia at 2 months of age, was also diagnosed with CVID.

The Trump family is not unique with the difficulty and delay in diagnosis of primary immune deficiency disease. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

I am proud to have the opportunity to recognize the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

TRIBUTE TO SISTER MARY EILEEN WILLHELM, RSM

● Mr. SESSIONS. Mr. President, I rise today to give tribute to Sister Mary Eileen Wilhelm, RSM, who has served as the chief executive officer at Mercy Medical for more than 36 years. She has led Mercy Medical in its mission to care for the sick, the injured, and the dying since she took on the role of CEO in 1967. Her passion for healthcare has led her to continually do what is best for the patients, the residents, and their families.

Since its founding in 1949 by the Sisters of Mercy, Mercy Medical has been a leader among healthcare providers in Alabama's Mobile Bay area. As CEO of Mercy, Sister Mary Eileen has remained focused on continuing the healing ministry of Jesus in the compassionate and excellent tradition of the Sisters of Mercy. This has helped Mercy grow from a small convalescent home by the bay in Daphne, into an integrated network of healthcare options throughout southwest Alabama and recognized throughout the Nation for its innovative procedures.

Mercy Medical works with patients of all ages, from the very young to the most senior, to maximize their functional abilities and return all patients to their highest possible level of wellness. In addition, Mercy Medical is renowned for its hospice services, providing quality living when individuals face the end of this Earthly existence. Working with physicians, interdisciplinary medical teams establish individualized treatment plans which direct overall courses of intensive therapy, specialized clinical services and/or other patient care and activities. Most importantly, the Mercy Medical team always ministers to not only the physical needs but offers comfort and healing to the spirit as well.

Catherine McAuley, the foundress of the Sisters of Mercy, has inspired Sister Eileen to be strong in the face of adversity, calm in the midst of crisis, and willing to take risks. This has allowed her to lead the Mercy Medical staff to identify and meet the healthcare needs of the weak and vulnerable. Additionally, due to her humility, tenacity, and commitment, Mercy Medical is recognized as a leader in the healthcare community. One of the core values of Mercy Medical is the empowerment of women, and Sister Mary Eileen, as an empowered woman, has led the fight to eradicate poverty nationally by taking on the cause of the poor to our Nation's capital. Indeed, her sincerity and power of persuasion, which I have directly felt, is remarkable. It is clearly a product of her selfless commitment to her vision for others.

On behalf of the United States Senate and the people of Alabama, I would like to recognize Sister Mary Eileen for giving more than 44 years of love and devotion to the sick, injured, and dying. She has been truly a blessing for the people of south Alabama, and her legacy will live on forever.●

THE 440TH BIRTHDAY OF WILLIAM SHAKESPEARE — RECOGNIZING THE SHAKESPEARE FESTIVALS IN CALIFORNIA

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to one of the greatest writers the world has ever known: William Shakespeare. As you may well know, this week marks the 440th birthday of the great author and playwright. As a foremost literary talent of his and every age thereafter, his works have stood the test of time and are still widely celebrated over four centuries later.

Scholars credit William Shakespeare with authoring 37 plays and 154 sonnets over the course of his life. These works continue to both move and entertain today, as they did the people of his time. His plays can be found performed daily the world round in their traditional fashion, and many of his works have been adapted to accommodate modern issues and themes. As a result, his genius and creative achievement have transcended time and touched people of all generations.

I am proud that my State of California shares a large population who take the time to celebrate the life and work of Shakespeare. California is home to some of the largest organizations dedicated to nourishing their communities through both artistic endeavors and educational programs celebrating the Bard's work. Combined, California Shakespeare festivals perform for more than 95,000 Californians annually.

It is my pleasure to congratulate the California Shakespeare Festival on celebrating their 30th anniversary this year. Beginning with a few Berkeley residents performing ''Hamlet'' to local community members, the California Shakespeare Festival has developed into a successful production company that runs four Shakespearian theaters. Through their Artistic Learning Initiative, the festival seeks to inspire and educate young artists of all backgrounds through the gift of Shakespeare's works.

Since 1983, when I was mayor of San Francisco, the San Francisco Shakespeare Festival has brought the works of Shakespeare to large and diverse audiences through their Free Shakespeare in the Park program. In cooperation with the Oakland-East Bay and Silicon Valley Shakespeare Festivals, the San Francisco Shakespeare Festival brings innovative and inspiring professional performances to over 50,000 each summer.

I also recognize the contributions of the American Friends of the Shakespeare Birthplace Trust to bringing the legacy of William Shakespeare to Washington, DC, with their gift of eight sculptures to the Folger Shakespeare Library. Sculpted by artist Greg Wyatt, the eight pieces are half-size replicas of the Shakespearian-inspired artwork in the Great Garden in Stratford-upon-Avon.

I ask that my colleagues join me in celebrating Shakespeare's birthday and the inspirational and lasting works he contributed to our world. William Shakespeare's poems and plays continue to inspire countless generations of young writers, further the world's love of the written word as well as performances, and reminds us all to ''be not afraid of greatness.''●

MESSAGES FROM THE HOUSE

At 11:52 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1822. An act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

H.R. 3855. An act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

H.R. 4037. An act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

The message also announced that the House has passed the following concurrent resolution, without amendment:

S. Con. Res. 97. Concurrent resolution recognizing the 91st annual meeting of The Garden Club of America.

At 3:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

ENROLLED BILLS SIGNED

At 6:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1274. An act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1822. An act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''; to the Committee on Governmental Affairs.

H.R. 3855. An act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''; to the Committee on Governmental Affairs.

H.R. 4037. An act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''; to the Committee on Governmental Affairs.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

S. 2329. A bill to protect crime victims' rights.

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–7131. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations (Including 2 Regulations): [CGD08–03–040], [CGD08–03–039]'' (RIN1625–AA00) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7132. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: [CGD05–04–066], Atlantic Ocean, Chesapeake and Delaware Canal, Delaware Bay, Delaware River, and its Tributaries'' (RIN1625–AA00) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7133. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 Regulations): [CGD08–03–049], [CGD05–03–121]'' (RIN1625–AA09) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7134. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 4 Regulations): [CGD01–04–023], [CGD07–04–039], [CGD05–04–071], [CGD05–04–070]'' (RIN1625–AA09) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7135. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: (CGD07–03–147; Savannah River, Savannah, Georgia'' (RIN1625–AA11) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7136. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emergency Medical Equipment; Docket No. FAA–2000–7119; Partial Revised Compliance Date'' (RIN2120–AG89) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Drug and Alcohol Managament Information System Reporting; Correction; Docket No. OST–2002–13435'' (RIN2120–AD35) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Electrical Equipment and Installations, Storage Battery Installation; Electronic Equipment; and Fire Protection of Electrical System Components on Transport Category Airplanes'' (RIN2120–AI21) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers; Doc. No. FAA–2002–13918'' (RIN2120–AH43) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Control of Air Traffic'' (RIN2120–AI11) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (8); Amdt. No. 447'' (RIN2120–AA63) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions'' (RIN2137–AD41) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Policy Statement: Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Doc. No. FAA–2002–11301'' (RIN2120–ZZ45) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (59) Amendment No. 3090'' (RIN2120–AA65) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (26); Amdt. No. 3091'' (RIN2120–AA65) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9 14, 9 15, and 9 a5F Airplanes; Model SC9 20, 30, 40, and 50 Series Airplanes; and Model DC 9 81, DC 9 82, 9 83, 9 87, MD 88 and MD 90–30 Airplanes; Doc. No. 2002–NM–203'' (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lycoming Engines AEO0–540, IO–540, ITIO–540, O–540, and TIO–540 Series Reciprocating Engines; Doc. No. 2002–NE–31'' (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lancair Company Models LC40–55FG and LC42–550FG Airplanes; Doc. No. 2004–CE–07'' (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A318, A319, A320, and A321 Series Airplanes; Doc. No. 2004–NM–43'' (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7150. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Mystere-Falcon 50 Series Airplanes; Doc. No. 2002–NM–232'' (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7151. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–100 Series Airplanes; Doc. No. 2002–NM–300'' (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7152. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Correction Technical Amendment; Manual Requirements in Part 135; Doc. No. FAA–2004–17119'' (RIN2120–ZZ46) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7153. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems Limited Model 4101; Doc. No. 2002–NM–63'' (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7154. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Winnsboro and Annona, Texas)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7155. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encinal, Texas)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7156. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crowell, Bonham, Bridgeport, Palestine, Ranger, Stephenville, Wellington, Texas; Apache, Ardmore, Bennington, Cache, Elk City, Lawton, Oklahoma)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7157. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Freer, Hebbronville, and Orange Grove, Texas)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7158. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fort Collins, Westcliffe, and Wheat Ridge, Colorado)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7159. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clarksville, Texas and Haworth, Oklahoma)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7160. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ash Fork, Chino Valleu, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman, and Tusayan, Arizona; Moapa Valley, Nevada, and Beaver and Cedar City, Utah)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7161. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sheffield, Texas)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7162. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mangum and Erick, Oklahoma)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7163. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Nampa, ID)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7164. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 76.51 Major Television Markets'' (DA 00–1337); to the Committee on Commerce, Science, and Transportation.

EC–7165. A communication from the Chief Financial Officer, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 0 and 1 of the Commission's Rules—Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Request for Benefits by Delinquent Debtors'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7166. A communication from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''International Settlements Policy Reform, International Settlements Rate, FCC04–53'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7167. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of Quiet Zones Application Procedures, WT Doc. No. 01–319'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7168. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Year 2000 Biennial Regulatory Review—Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services, WT Doc. No. 01–108'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7169. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of International Bureau Filing System (IBFS)'' received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7170. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to oil spill response actions; to the Committee on Commerce, Science, and Transportation.

EC–7171. A communication from the Under Secretary of Defense for Acquisition, Logistics, and Technology, Department of Defense, transmitting, pursuant to law, three Selected Acquisition Reports for the quarter ending December 31, 2003; to the Committee on Armed Services.

EC–7172. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Act and the FREEDOM Act with respect to the Republic of Uzbekistan; to the Committee on Foreign Relations.

EC–7173. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to funds from the FREEDOM Support Act; to the Committee on Foreign Relations.

EC–7174. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Act with respect to Azerbaijan and Kazhakstan; to the Committee on Foreign Relations.

EC–7175. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to funds to be distributed with respect to the FREEDOM Support Act; to the Committee on Foreign Relations.

EC–7176. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 03–08; to the Committee on Appropriations.

EC–7177. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 02–15; to the Committee on Appropriations.

EC–7178. A communication from the Director, Fish and Wildlife Service, Department of

the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Determination of Threatened Status for the Beluga Sturgeon (Huso Huso)'' (RIN1018–AI11) received on April 20, 2004; to the Committee on Energy and Natural Resources.

EC–7179. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program'' received on April 20, 2004; to the Committee on Energy and Natural Resources.

EC–7180. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two Uniform Resource Locators (URLs) for documents related to the Agency's programs; to the Committee on Environment and Public Works.

EC–7181. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to the 2005 ROP Plan for the Cecil County Portion of the Philadelphia-Wilmington-Trenton 1-Hour Ozone Nonattainment Area to Reflect the Use of MOBILE6'' (FRL7648–3) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7182. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; Commonwealth of Virginia'' (FRL7648–4) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7183. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Reclassification, San Joaquin Valley Nonattainment Area; California'' (FRL#7648–8) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7184. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Conditional Approval and Promulgation of Implementation Plans: Michigan: Oxides of Nitrogen Rules'' (FRL#7647–6) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7185. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination that State has Corrected a Deficiency in the Arizona State Implementation Plan, Arizona Department of Environmental Quality'' (FRL#7650–3) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7186. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Environmental Performance Track Program'' (FRL7650–6) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7187. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Section 102 of H.R. 3108'' (Ann. 2004–38) received on April 20, 2004; to the Committee on Finance.

EC–7188. A communication from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled ''Disclosure Regarding Market Timing and Selective Disclosure of Portfolio Holdings'' (RIN3235–AI99) received on April 20, 2004; to the Committee on Finance.

EC–7189. A communication from the Executive Director, Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the Corporation's 2003 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–7190. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Procedures for the Handling of Discrimination Complaints Under Section 6 of the Pipeline Safety Improvement Act of 2002'' (RIN1218–AC12) received on April 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7191. A communication from the Acting Administrator, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Inpatient Prospective Payment System; to the Committee on Health, Education, Labor, and Pensions.

EC–7192. A communication from Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General relative to the Foreign Agents Registration Act for the six-month period ending June 30, 2003; to the Committee on the Judiciary.

EC–7193. A communication from the Director, Regulations and Forms Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of the Immigration Benefit Application Fee Schedule'' (RIN1615–AA84) received on April 19, 2004; to the Committee on the Judiciary.

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. EDWARDS:

S. 2325. A bill to strengthen telehealth programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2326. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Ms. COLLINS, and Ms. SNOWE):

S. 2327. A bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in State homes shall not be used to offset or reduce other payments made to assist veterans; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. MCCAIN, Mr. DASCHLE, Mr. LOTT, Ms. STABENOW, Mr. CHAFEE, Mr. JOHNSON, Mr. PRYOR, and Mr. FEINGOLD):

S. 2328. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. DURBIN, Mr. GRASSLEY, Mr. KENNEDY, Mr. DEWINE, Mr. FEINGOLD, Mr. CRAIG, Mr. KERRY, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Ms. COLLINS, Mr. BAYH, Mr. LIEBERMAN, Mrs. CLINTON, Mr. PRYOR, Ms. STABENOW, and Mr. NELSON of Florida):

S. 2329. A bill to protect crime victims' rights; ordered held at the desk.

By Mr. ALLEN:

S. 2330. A bill for the relief of Hyang Dong Joo; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2331. A bill for the relief of Fereshteh Sani; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2332. A bill for the relief of James Symington; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2333. A bill to prohibit members of criminal street gangs from possessing firearms; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. TALENT, and Mr. ALLEN):

S.J. Res. 33. A joint resolution expressing support for freedom in Hong Kong; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 40

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 40, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 344

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

S. 538

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 538, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 874, a bill to amend title XIX

of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 952

At the request of Mr. CORZINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 952, a bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves.

S. 1172

At the request of Mr. FRIST, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1172, a bill to establish grants to provide health services for improved nutrition , increased physical activity, obesity prevention, and for other purposes.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1916

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor 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. 2099

At the request of Mr. MILLER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor 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 name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor 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. 2212

At the request of Ms. COLLINS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. DEWINE) 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 name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2236, a bill to enhance the reliability of the electric system.

S. 2270

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2270, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2278

At the request of Mr. ENSIGN, the names of the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2311

At the request of Ms. SNOWE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2311, a bill to provide for various energy efficiency programs and tax incentives, and for other purposes.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 310

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 310, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 334

At the request of Mr. FITZGERALD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Res. 334, a resolution designating May 2004 as National Electrical Safety Month.

AMENDMENT NO. 2649

At the request of Mr. BAYH, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR), the Senator from North Carolina (Mr. EDWARDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2649 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2326. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to address an injustice in the Tax Code that is threatening family farmers and other self-employed individuals. A number of my constituents, primarily Wisconsin farmers, have requested Congress's assistance to correct the Tax Code so they can protect their families. The legislation I introduce today, the Farmer Tax Fairness Act of 2004, will solve the problem for today and into the future.

Farming is vital to Wisconsin. Wisconsin's agricultural industry plays a large and important role in the growth and prosperity of the entire State. Wisconsin's status as ''America's Dairyland,'' is central to our State's agriculture industry. Wisconsin's dairy farmers produce approximately 23 billion pounds of milk and 25 percent of the country's butter a year. But Wisconsin's farmers produce much more than milk; they also are national leaders in the production of cheese, potatoes, ginseng, cranberries, various processing vegetables, and many organic foods. So when the hard-working farmers of Wisconsin need help, I will do all I can to assist.

One concern of Wisconsin farmers is that the Tax Code can limit their eligibility for social safety net programs, including old age, survivors, and disability insurance, OASDI, under Social Security and the hospital insurance HI part of Medicare. There programs are paid for through payroll taxes on workers and through the self-employment tax on the income of self-employed individuals. To be eligible for OSADI and HI benefits an individual must be fully insured and must have earned a minimum amount of income in the years immediately preceding the need for coverage. Every year, the Social Security Administration, SSA, sets the amount of earned income that individuals must pay taxes on to earn quarters of coverage, QCs, and maintain their benefits. An individual's eligibility requirements depend upon the age at which death or disability occurs, but for workers over 31 years of age, they must have earned at least 20 QCs within the past 10 years.

Self-employed individuals can have highly variable income, and, particularly for farmers at the whim of Mother Nature, not every year is a good year. During lean years, individuals

may not earn enough income to maintain adequate coverage under OASDI and HI. Therefore, the Tax Code provides options to allow self-employed individuals to maintain eligibility for benefits. These options allow individuals to choose to pay taxes based on $1,600 of earned income, thus allowing self-employed entrepreneurs to maintain the same Federal protections even when their income varies.

Unfortunately, both the options for farmers and nonfarmers—Social Security Act §211(a) and I.R.C. §1402(a)—have not kept pace with inflation, and they no longer provide security to families across the country. Decades ago, self-employment income of $1,600 earned an individual four QCs under SSA's calculations. In 2001, the amount needed to earn a QC rose to $830 of earned income, so individuals electing the optional methods were only able to earn one QC, making it much harder for them to remain eligible for benefits.

Congress's failure to address this problem threatens the ability of self-employed individuals to maintain eligibility for OASDI and HI. I have heard from several of my constituent who want these options to be fixed so they can make sure their families will be taken care of in the event that something unforeseen occurs.

Therefore, I am introducing the Farmer Tax Fairness Act of 2004 in order to provide farmers and self-employed individuals with a fair choice. Under this bill, they will continue to be able to elect the optional method if they so choose. When individuals do elect the option, this legislation provides an update to the Tax Code so farmers and self-employed individuals can retain full eligibility for OASDI and HI benefits. It indexes the optional income levels to SSA's QC calculations, allowing these farmers and self-employed individuals to claim enough earned income to qualify for four OCs annually. By linking the earned income level to SSA's requirements for QCs, the bill will ensure that the amount of income deemed to be earned under the optional methods will not need to be adjusted by Congress again.

In addition to providing security to self-employed individuals and farmers across the country, this solution is fiscally responsible. It actually provides a short run increase in U.S. Treasury revenues while having negligible impact upon the Social Security trust fund in the long run.

Let me take a moment to acknowledge the efforts of the Senator from Iowa, Mr. GRASSLEY, to address this problem in the 107th Congress. As chairman of the Senate Finance Committee, he included similar legislative language in the chairman's mark for the Small Business and Farm Economic Recovery Act of 2002. The Senate Finance Committee held a markup on the legislation on September 19, 2002, but the changes to the optional methods did not become law.

When incomes fall, the Tax Code provides optional methods for calculating net earnings to ensure that farmers and self-employed individuals maintain eligibility for social safety net programs. Due to inflation, the Tax Code has not kept up and many farmers are losing eligibility for some of Social Security's programs. Congress needs to provide security to farm families and other self-employed individuals. I urge my colleagues to support the Farmer Tax Fairness Act of 2004.

By Mr. CAMPBELL (for himself, Ms. COLLINS, and Ms. SNOWE)

S. 2327. A bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in State homes shall not be used to offset or reduce other payments made to assist veterans; to the Committee on Veterans' Affairs.

Mr. CAMPBELL. 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. 2327

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

SECTION 1. TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS PER DIEM PAYMENTS TO STATE HOMES FOR VETERANS.

Section 1741 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e) Payments to States pursuant to this section shall not be considered a liability of a third party, or otherwise be utilized to offset or reduce any other payment made to assist veterans.''.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. MCCAIN, Mr. DASCHLE, Mr. LOTT, Ms. STABENOW, Mr. CHAFEE, Mr. JOHNSON, Mr. PRYOR, and Mr. FEINGOLD.

S. 2328. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DORGAN. Mr. President, today I am introducing bipartisan legislation to allow prescription drug importation from Canada, the European Union, and a few other countries. I am very pleased to be joined on this bill by Senators SNOWE, KENNEDY, MCCAIN, DASCHLE, LOTT, STABENOW, CHAFEE, JOHNSON, PRYOR, and FEINGOLD.

This new bill, the Pharmaceutical Market Access and Drug Safety Act, is an important breakthrough for several reasons. First, it is a bipartisan effort, and as we all know, bipartisanship is the best way to get things done in Congress today or any day. Second, this bill addresses the safety issues that have been raised by some and makes certification by the Health and Human Services Secretary unnecessary. Therefore, it would take effect immediately and provide consumers with the urgent help they need accessing more affordable medicines.

It is my hope that the Senate will take up and pass this legislation on an expedited basis because American consumers, especially senior citizens, State and local governments, and businesses large and small are desperate for action by Congress to give them relief from high drug prices. It has been well documented that Americans are charged the highest prices in the world for the exact same medicines that consumers in other major industrialized countries buy at a fraction of the price.

For example, Lipitor, a cholesterol-lowering medicine that is the top-selling drug in the United States, is made in the same plant and put in the same bottle. One bottle is shipped to American pharmacies, and the other to Canadian Pharmacies. Both are approved by the Food and Drug Administration. The only difference? The price. One tablet purchased by a pharmacist in Canada costs $1.01; the same tablet purchased by an American pharmacist costs $1.86, 84 percent more than in Canada.

The high prices charged for prescription drugs in the United States are forcing Americans and state and local governments to turn to Canada to buy their medicines. Dozens of State and local governments—from Maine to Massachusetts to North Dakota—are now implementing drug importation programs with Canada to save their citizens and their health care programs millions of dollars. Individual Americans are now importing more than $1.1 billion in prescription drugs from Canada.

Unfortunately, they are doing so illegally, according to the FDA. The pharmaceutical industry is the only industry that benefits from a Congressional ban on re-imported products. The time has come to eliminate that barrier so American consumers, too, can benefit from the global marketplace.

Big, multi-national drug companies already reap the benefits of the world market. In fact, more than $40 billion of the prescription drugs consumed by Americans in 2002 were made in other countries, such as Ireland, Singapore, and Japan so that the drug companies could take advantage of tax breaks, cheaper labor and other incentives available abroad.

What's good for the goose should be good for the gander—American consumers, pharmacists, and drug wholesalers should be equally free to purchase FDA-approved medicines from Canada, Europe and elsewhere. The bill I am introducing today would allow just that.

This new bill is similar in many respects to the Pharmaceutical Market Access Act, sometimes called the ''Gutknecht bill'', which was passed by the House of Representatives by a wide bipartisan margin last July. For instance: Both bills allow prescription drugs to be imported from Canada, the

European Union, and some other major industrialized nations. Both bills require pharmacies and wholesalers to register with the FDA to be able to import prescription drugs. Both bills provide for the importation of FDA-approved medicines. Both bills allow for reliance on anti-counterfeiting technology to ensure drug safety. Both bills allow for drug importation to begin immediately, without first requiring certification by the HHS Secretary.

However, my cosponsor and I also believe that our bill makes a number of improvements over the Pharmaceutical Market Access Act both in terms of safety and closing loopholes to ensure that a drug importation program will not be thwarted by the big drug manufacturers. For example, this bill ensures that individual Americans who import their prescription drugs via the Internet or mail-order are doing so from safe, reliable Canadian pharmacies. This bill gives the FDA the ability to inspect Canadian exporters to assure safety. This bill enhances the FDA's ability to stop those drug imports that are unsafe. This bill would give the FDA the resources needed to ensure the safety of imported medicines.

In addition, this bill contains several provisions to close loopholes that would allow drug companies to circumvent drug importation. Unfortunately, a number of big drug companies are cutting off medicines to Canadian pharmacies that sell to Americans. This bill would make such tactics an unfair trade practice.

We will now work with the Senate leadership to get this bill enacted in the Senate promptly. The Senate has voted on drug importation legislation three times since 2000. There is no need for a protracted debate. In invite my colleagues to join me in cosponsoring this bill and in acting soon to give our constituents relief from high drug prices.

I ask unanimous consent that a summary of this bill be printed in the RECORD.

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

PHARMACEUTICAL MARKET ACCESS AND DRUG SAFETY ACT

I. IMPORTABLE DRUGS

Drugs must be approved by the Food and Drug Administration and manufactured in an FDA-inspected plant.

Drugs must be patient-administered and not a controlled substance, an infused or injected drug, a biologic, or a drug inhaled during surgery.

II. COMMERCIAL IMPORTATION BY PHARMACISTS AND DRUG WHOLESALERS

Allows importation by licensed pharmacists and wholesalers from Canada within 90 days of enactment and from the current European Union members, Australia, New Zealand, Japan, and Switzerland beginning one year from enactment.

Requires registration of wholesalers and pharmacies with FDA, and levies capped fees to support the costs of the program. Registration may only be of those entities that are fully licensed in accordance with applicable state and federal law to act as pharmacies or wholesalers of prescription drugs.

Importers and all resellers of imported products must provide a full chain-of-custody (pedigree), tracking possession of drugs from the point of manufacture to the sale to the consumer.

Drugs must be re-labeled in English to comply with FDA requirements. The FDA will provide approved labeling information to importers.

FDA may ban the importation of a product that has been determined to be counterfeit, contaminated, or is otherwise adulterated so as not to meet the requirements of this legislation. FDA may require testing of shipments of product or use of approved anti-counterfeiting technologies to verify the chain-of-custody of a drug.

This bill specifically protects pharmacies, wholesalers, and individuals from patient damages arising from the importation of drugs.

III. PERSONAL IMPORTATION BY INDIVIDUALS

Immediately upon enactment, an individual may import up to a 90 day supply of a prescription drug from Canada for their personal use or for the personal use of a family member, just as they do now. Once the FDA has implemented regulations, individuals may be shipped prescription drugs purchased via mail-order or websites only from a Canadian pharmacy registered under this Act. These Canadian exporters will be fully inspected and approved by the FDA. Canadian pharmacies must validate a U.S. prescription, review health and medication history, and track shipments.

The bill also allows individual Americans who travel outside the United States to bring back with them for their personal use a 90-day supply of medicine from Canada, Australia, current countries in the European Union, Japan, New Zealand, or Switzerland or a 14-day supply of medicine from another foreign country.

The bill continues the FDA's current ''compassionate use'' policy by allowing importation for patients with special needs.

IV. ''GAMING'' THE SYSTEM

The bill protects those selling or using drugs imported under the program by preventing an individual from taking actions that would have the effect of thwarting drug importation. Any individual who takes such an action against a pharmacist, wholesaler, or consumer to hinder their importation of prescription drugs will be in violation of the Clayton Act, and treble economic damages may be awarded.

The proposal includes features to prevent a drug manufacturer from blocking importation of drugs, such as by changing the color, dosage form, or place of manufacture of the drug so that it is no longer FDA-approved. Drug manufacturers that make these kinds of changes would be required to notify the FDA, and the FDA would be given the authority to take the steps needed to approve the drug.

V. LIMITING UNSAFE DRUG IMPORTS

Customs could seize and destroy small quantities of drugs imported by individuals from foreign exporters that are unapproved. The FDA would provide the individual whose drugs were seized with a simple notice explaining how the individual can import drugs from registered Canadian exporters safely and legally.

Mr. KENNEDY. Mr. President, I am pleased today to join my colleagues Senator DORGAN, Senator SNOWE, Senator MCCAIN, Senator DASCHLE, Senator LOTT, Senator CHAFEE and others in introducing legislation to allow the importation of safe prescription drugs from Canada, the European Union, Australia, New Zealand and Japan.

This issue is about fairness for middle class Americans who are struggling to afford costly prescription drugs. Americans understand fairness, and they know it's wrong that Americans pay far too much for prescription drugs—more than Canadians, more than the British, more than in any other country in the world. That's not right. Prescription drugs mean the difference between sickness and health—even life and death—for millions of average Americans. It's not fair that drug companies overcharge middle class families and patients have to do without the drugs they need.

We're here to say that help is on the way.

Our legislation will legalize safe imports of U.S.-approved drugs manufactured in U.S.-approved plants. It is a creative new approach to meeting the needs of our middle class families. We know it will be opposed by the drug companies, who are determined to continue to reap windfall profits at the expense of American patients. It will be opposed by the Bush Administration, which is determined to protect the pharmaceutical industry and its powerful campaign contributors. But it will be welcomed by someone else—by every family in every community in America who needs to fill a prescription.

Every pharmaceutical company in the world wants its drugs approved for sale in the United States. We're the largest market on Earth. A decision by the Food and Drug Administration that a drug is safe and effective is the gold standard for the world. But once that drug is approved for use in the United States, the drug manufacturer applies a greedy double standard. What's fair about a system that forces American patients to pay sixty percent more than the British pay or the Swiss pay for an FDA-approved drug manufactured to FDA standards? What's fair when, on average, Americans pay two-thirds more than Canadians? What's fair when Americans pay 80 percent more than Germans and twice as much as Italians?

This legislation will end that indefensible disparity, by enabling U.S. consumers to buy FDA-approved drugs at the same fair prices as they are sold abroad.

The drug companies and the Bush Administration claim that imported drugs threaten the health of American consumers because of the possibility of counterfeiting or adulteration. Under this bill, that argument can't pass the laugh test.

One-quarter of the drugs that Americans use today are already legally imported into the United States. The American people have no idea how large a percentage of the pills they take are out-sourced—produced for U.S. drug-makers in plants overseas,

where wages are cheaper. The catch is that the law allows that. Drugs can be legally imported by the drug companies themselves, who then sell them at the high U.S. price.

If drug companies can import drugs at high prices, why can't patients import them at fair prices?

Our legislation sets up iron-clad safety procedures to guarantee that every drug imported legally into the United States is the same FDA-approved drug that was originally manufactured in an FDA-approved plant—whether the drug is manufactured abroad and shipped to the U.S., or whether it is manufactured in the United States, shipped abroad and then imported back into the United States.

Under our bill, the FDA is given new legal authority and resources to enforce the law. In fact, under this legislation, the procedures to prevent counterfeiting or adulteration of drugs shipped into the United States are actually stronger than the protections against counterfeiting of drugs manufactured for the domestic market.

Our legislation also includes strict rules to close the loopholes that drug companies may use to evade the law. Violations will be considered unfair trade practices under the Clayton Act, and violators will be subject to triple damages.

No doubt, in the months ahead, as the election approaches and the political pressure builds, drug companies and their allies in the Bush Administration and Congress will offer an alternative program. They'll call it an importation bill, but consumers beware. Counterfeit drugs have no place in American medicine cabinets, and counterfeit proposals to reduce drug prices have no place in Congress.

Year in and year out, drug companies profits are the highest of any industry in the United States. Year in and year out, patients are denied the life-saving drugs they need because those astronomical profits are obtained by equally astronomical prices—prices that drug companies can't charge anywhere else in the world because no other country in the world would tolerate such high prices. It's time to end the shameful price-gouging here at home. It's time for basic fairness. It's time to pass this bill, and I urge my colleagues in the Senate to support it.

Mr. MCCAIN. Mr. President, I am pleased to join Senators DORGAN, SNOWE, KENNEDY, DASCHLE, and others in introducing the Pharmaceutical Market Access and Drug Safety Act of 2004. This bill represents a strong bipartisan compromise, and is designed to establish a system for American consumers to safely import lower cost prescription drugs.

American consumers are frustrated, and for good reason. We pay the highest prices in the world for brand name prescription drugs. Prices continue to rise at double digit rates—far outpacing inflation. With over 43 million uninsured Americans and millions more seniors without a substantial prescription drug benefit, filling a doctor's prescription is unaffordable for many people in this country. Every day, far too many families are forced to make difficult choices between life-sustaining prescription drugs and other daily necessities.

The United States represents the largest pharmaceutical market in the world. Our taxpayers make substantial investments into pharmaceutical research and development. And yet, Americans are still paying 30 to 75 percent more for their prescriptions than consumers in Canada, the European Union, and elsewhere.

In 2000, Congress passed the Medicine Equity and Drug Safety, MEDS, Act to provide Americans with a legal means to obtain lower cost prescription drugs from industrialized countries with prescription drug regulatory systems similar to our own. Yet here we are, four years later, and Americans still cannot legally access lower cost prescription drugs from other nations. The safety certification requirement contained in the MEDS Act proved to be a poison pill. In the bill we are introducing today, we have spelled out the safety measures that will be necessary for an importation program, making the certification requirement unnecessary.

According to recent polls, nearly two thirds of Americans believe the government should make it easier to import lower cost drugs from Canada and other countries. And, Americans have begun to take matters into their own hands. Last year, Americans spent an estimated $1.1 billion on prescription drugs imported from Canada, twice the amount that was spent the previous year. And states are now taking action too.

We also passed an enormous expansion to the Medicare program, last year. Unfortunately, that new law largely benefits the pharmaceutical industry and other special interests, and is already slated to cost $534 billion—$134 billion more than was estimated just a few months ago. That law, which will burden American taxpayers for generations to come and contributes substantially to the financial insolvency of the Medicare program, did practically nothing to rein in the cost of prescription drugs.

With all of the money the Federal Government will now be spending on prescription drugs, very little is being done to help reduce their costs. In fact, the Medicare package explicitly prohibits the Secretary of Health and Human Services from engaging in negotiations to lower prescription drug costs. This must change.

In the absence of Federal action, States such as Minnesota, Illinois, Iowa, Wisconsin, Vermont and New Hampshire, together with cities such as Springfield and Boston, MA, Montgomery, AL, and Los Angeles, CA, have moved this issue to the forefront. In fact, the City of Springfield recently announced that their drug importation program saved the city more than $2 million in the last 9 months alone. Despite these successes, our Federal regulators continue to oppose any effort to facilitate importation.

Throughout the debate surrounding prescription drug importation, much concern has been raised regarding consumer safety and the security of the U.S. drug supply, with a particular focus on the dangers of Internet pharmacies and counterfeit drugs. Let me be clear. None of us want American consumers to be harmed from purchasing imported prescription drugs. That is why throughout the development of this package, consumer safety has remained our primary concern. This bill includes a number of measures which will make imported drugs as safe, if not safer, than drugs purchased through the domestic supply chain. With proper government oversight, such as that which would be provided under our legislation, Americans should be able to obtain access to safe lower cost prescription drugs from Canada, the EU and other markets.

Under our proposal, during the first year after enactment, the bill would enable individual American consumers, wholesalers, and pharmacists to import FDA approved prescription drugs from FDA approved and inspected Canadian exporters. Recognizing that the Canadian market is too small to satisfy the American demand, one year after enactment, the bill would allow FDA approved pharmacists and wholesalers to import FDA approved drugs from a larger group of nations, including the European Union, Switzerland, Australia, New Zealand and Japan.

To ensure the safety of this new system, the FDA would be required to regularly inspect Canadian exporters as well as domestic importers. The legislation also would require all importers and exporters to maintain a full chain of custody, or pedigree, for the drugs imported into the U.S.

I want to mention my concerns over actions recently taken by several powerful brand companies. Putting profits before patients, they have limited the supply of pharmaceuticals to Canadian pharmacies and wholesalers who export to the United States. Such a practice is unacceptable. Therefore, our bill seeks to close potential loopholes that would allow companies to game the system and unfairly discriminate against pharmacists or wholesalers.

Prescription drug importation may not be the silver bullet that will make prescriptions more affordable for all Americans, but it is a step in the right direction. At a minimum, Americans deserve fairer prices for the prescription drugs their tax dollars helped to develop.

I have long supported prescription drug importation, and I find it remarkable that our Federal regulations still do not give American consumers the right to access the same markets as consumers in other parts of the developed world.

We are under no illusions that this is a perfect bill, however, it does represent a solid, bipartisan compromise. We are committed to continuing to consider ways to technically improve the bill and ensure that the system we are developing is as effective and efficient as possible to provide all American consumers access to more affordable prescription drugs.

We cannot allow election year politics to distract us from passing critical legislation that will substantially benefit the millions of Americans who struggle to afford the high cost of prescription drugs. Despite the challenges of passing this legislation in an election year, we are committed to this effort.

I believe American consumers deserve access to safe and affordable imported prescription drugs. I am committed to working with my colleagues, on both sides of the aisle, to move this issue forward expeditiously and to ensure that our strong bipartisan compromise is enacted this year.

I urge my colleagues to support this measure.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. DURBIN, Mr. GRASSLEY, Mr. KENNEDY, Mr. DEWINE, Mr. FEINGOLD, Mr. CRAIG, Mr. KERRY, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Ms. COLLINS, Mr. BAYH, Mr. LIEBERMAN, Mrs. CLINTON, Mr. PRYOR, Ms. STABENOW, and Mr. NELSON of Florida):

S. 2329. A bill to protect crime victims' rights; ordered held at the desk.

Mr. LEAHY. Mr. President, this past Sunday marked the start of National Crime Victims' Rights Week. We set this week aside each year to refocus attention on the needs and rights of crime victims.

This year, the Senate had been scheduled to mark the occasion by taking up S.J. Res. 1, a proposed constitutional amendment. Once again, we were going to devote days or weeks debating that proposal, even though the Republican leadership knew it had no real chance of garnering the two-thirds super-majority needed to pass. We went through a similar process four years ago, in April 2000, when the Senate debated an earlier version of the amendment during the last presidential election year.

I noted then, during that earlier debate, the fact that I have long worked to protect and advance crime victims' rights. As a prosecutor, I worked day to day and year to year alongside victims, seeking justice on their behalf. I have worked on and led many legislative efforts on behalf of victims throughout my service in the Senate. One of the most recent of those efforts was the creation of the September 11 Victim Compensation Fund, and I am grateful to have been able to take part in something that has brought some relief to so many victims.

I will never forget the victims I worked with as a prosecutor or the needs of the new victims minted each day through the crimes committed against them. I believe that victims should be notified when the defendant is in court or when he is about to be released. I believe that victims should be heard at critical stages of the prosecution. I believe that victims are entitled to restitution from offenders. In recent years, the debate was never about whether victims should be protected—of course they should. Rather, the debate was about how they should be protected, and whether the proposed constitutional amendment was the best way to do that.

I did not think the proposed amendment was the best way forward. The one thing about which every witness who testified on this issue agreed was that every right provided by the Victims Rights Amendment can be, or already is, protected by State or federal statutory law.

We have long had it in our power to enhance victims' rights through regular legislation legislation that could pass with a simple majority and make an immediate difference in the lives of crime victims. Legislative enhancements are more easily enacted, more directly applied and implemented, and more able to provide specific, effective remedies. In addition, as Chief Justice Rehnquist and others have pointed out, statutes are more easily corrected if we find, in hindsight, that they need correction, clarification or improvement.

I am delighted to be here today with the principal sponsors of S.J. Res. 1, the distinguished Senators from California and Arizona, and with others, both supporters and opponents of the constitutional amendment, to join together in our support of this crime victims' rights statute. I commend and admire Senator FEINSTEIN and Senator KYL for their dedication to this issue. They are deeply committed to the cause of victims' rights as are all of us who have joined together to offer this bill. It is my hope that this statute will establish more effective and enforceable rights for crime victims in the federal system, and that it can do so without delay, by a majority vote.

First, unlike S.J. Res. 1, which is limited to victims of violent crime, our statute establishes enhanced rights and protections for all victims of crime. Therefore, the elderly woman who is defrauded out of her life savings will have the same rights of notice and participation as other crime victims.

Second, our statute spells out how these rights are to be enforced, using language that Senator KENNEDY and I developed in S. 805, the Crime Victims Assistance Act. In addition to providing victims with standing to assert their rights in mandamus actions, our statute would establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

Third, our statute incorporates additional proposals from S. 805 to help States implement and enforce their own victims' rights laws. In this way, instead of replacing programs that have already been implemented by a majority of States, our statute enables States to retain their full power to protect victims in the ways most appropriate to local concerns and local needs.

Fourth, our statute calls for two annual reports, one by the Administrative Office of the Courts, and the other by the General Accounting Office. These reports will provide Congress with feedback on how the rights and procedures established by the statute are working in practice. Over time, we will be able to modify and fine-tune the statute so that it provides an appropriate degree of protection for the rights of crime victims.

I emphasize that passage of this bill will necessitate careful oversight of its implementation by Congress. If, as I hope, Federal judges and prosecutors take victims' rights seriously, there should be little need for victims to bring mandamus actions to enforce their rights. But if, for whatever reason, victims feel that they are not being treated fairly, we may see a wave of new litigation in the Federal courts, with victims and their lawyers having to insert themselves into criminal cases. We will need to monitor the situation closely.

I am committed to giving victims real and enforceable rights. But I am convinced that prosecutors should be capable of protecting those rights, once we make them clear. In my experience, prosecutors have victims' interests at heart.

Senator KENNEDY and I proposed in the Crime Victims Assistance Act a limited-standing provision, which applied with respect to the victim's right to attend and observe the trial, and under which a victim could assert her right if the prosecutor refused to do so. Passing such a provision would have allowed us to observe over a period of time whether direct participation of victims in criminal proceedings has any unanticipated consequences for the administration of justice.

This Victims' Rights Act proposes a bolder experiment, entitling victims to assert a panoply of rights, regardless of whether the prosecution is already asserting the same rights on their behalf. For example, at the insistence of other sponsors, this bill will enable victims to bring mandamus actions alleging the denial of their statutory right ''to be treated with fairness and with respect for the victim's dignity and privacy,'' which may be difficult claims to adjudicate.

I note with some regret that our statute picks up language from S.J. Res. 1 denying victims a civil cause of action for damages in the event that their rights are violated. Allowing victims to vindicate their rights through separate civil proceedings instead of through mandamus actions in the criminal case could well be a more efficient as well as a more effective way of ensuring that victims' rights are honored. Certainly the prospect of being sued would provide a powerful incentive to take victims' rights seriously. But the Republican sponsors of the bill did not want to provide for damages.

Similarly, some Republican Senators did not want to allow courts to appoint attorneys to help crime victims. It is my hope and belief that victims will seldom need representation, since they already have powerful advocates in our public prosecutors. Still, it is possible that a judge would want to appoint an attorney for a victim in an extraordinary case, as for example if there is a material conflict between the victim's interests and the interests of the prosecution. By failing to provide for this possibility, our new bill may perpetuate a system of unequal justice for victims, where the wealthy have the benefit of counsel, and the poor do not.

Finally, I want to comment on the unusual genesis of this bill, and the extraordinary procedure that I expect it will follow in the Senate. As I mentioned earlier, the Senate was scheduled to begin work this week on the proposed constitutional amendment, S.J. Res. 1. On Wednesday, the Republican leadership moved to invoke cloture on the motion to proceed. I would not have opposed this motion. I voted to proceed to an earlier iteration of this constitutional amendment 4 years ago, and I would have been prepared to proceed to it again this week. Given the time this would take and the expected outcome, it could be argued that the Senate already has many pressing matters on its agenda, but I would not have opposed a debate on the constitutional amendment.

Given the Republican leadership's insistence on proceeding to the constitutional amendment this week, there has not been as much time as I would have liked to craft the statutory alternative that we introduce today. And because this bill will come to a vote almost immediately, we will not get to hold hearings on it and polish the text in Committee. I would have liked to get the views of the Office for Victims of Crime. Many victims' groups and domestic violence organizations opposed the constitutional amendment, as did many law professors, judges, and prosecutors. I would have liked to hear their views on this statute. I am concerned that the statute may not adequately address the special problems raised in domestic violence and abuse situations. Fortunately, however, this is a statute, not a constitutional amendment, and it can be modified with relative ease if the need arises.

I commend my good friend, Senator FEINSTEIN, for mediating this consensus legislation. I know that she would have preferred to pass a constitutional amendment—she has made that clear. Nevertheless, she worked hard to produce a bill that we all can support, showing once again that she is first and foremost a legislator who wants to get things done. Due in large part to Senator FEINSTEIN's efforts, we now have an opportunity to advance the cause of victims' rights with strong, practical, bipartisan legislation. I have never doubted Senator FEINSTEIN or Senator KYL's commitment to victims' rights. I am delighted that we have come together to advance that common cause.

Over more than 20 years I have sponsored and championed legislation to help victims. I have mentioned the recent September 11 Victim Compensation Fund, and I am also proud of such other advancements on behalf of victims as a law to provide assistance to victims of international terrorism, and bills to raise the cap on victims' assistance and compensation programs and to protect the rights of the victims of the Oklahoma City bombing. The legislation that we introduce today should provide us the opportunity to make progress on yet another important measure to address the needs of victims, and I urge my colleagues to support it.

By Mr. BROWNBACK (for himself, Mr. TALENT, and Mr. ALLEN):

S.J. Res. 33. A joint resolution expressing support for freedom in Hong Kong; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, today I introduce, along with my colleagues Senator TALENT and Senator ALLEN, an important resolution regarding recent developments in Hong Kong. Hong Kong has been a great friend of the United States, a key ally in the war on terrorism and an invaluable trading partner. In recent weeks, however, it has become increasingly clear that Beijing will stand in the way of Hong Kong's development into a full democracy. Such actions compel support from the members of this body.

The Hong Kong Policy Act of 1992 sets forth the guidelines for the U.S. relationship with Hong Kong. It provides for a very special and distinct relationship with the Hong Kong Special Administrative Region, even as we recognize the Hong Kong is a part of China. This special relationship rests on the notion that Hong Kong will be governed differently than the rest of China.

Unfortunately, Beijing continues to suggest that it has no intention of realizing Hong Kong's democratic potential. Recent decisions by the Standing Committee of the National People's Congress push direct election of Hong Kong's Chief Executive into the future. Hong Kong's Legislative Counsel faces a similar fate. Some observers even suggest Beijing will wait another 30 or 40 years to allow universal suffrage in the selection of executive and legislative office holders to become a reality. By then, the 50 year special arrangement will be near expiration, threatening everything the people of Hong Kong have achieved.

I traveled to Hong Kong in January. My Subcommittee on East Asia and Pacific Affairs held a hearing last month where we heard testimony from Hong Kong's leading democracy advocates. A clear message emerges from everyone with whom I have spoken on this issue: Hong Kong is ready for full democracy. The people have demonstrated the ability to create a vibrant society and they deserve universal suffrage and the ability to participate fully in the functions of government.

The resolution I submit today is simple. It recognizes the recent report from the State Department dealing with the U.S.-Hong Kong relationship. It highlights Hong Kong's autonomy as envisioned by the Hong Kong Policy Act, and it highlights the unfortunate steps taken in Beijing to frustrate Hong Kong's democratic development. As the resolution says, Congress ought to declare ''that the people of Hong Kong should be free to determine the pace and scope of constitutional developments'' and that anything less violates the vision of democracy set forth in the 1984 Joint Declaration signed by Great Britain and the People's Republic of China.

When Martin Lee came to testify about the importance of democratic development in March, Beijing referred to him as a dreamer. They meant it as an insult, but Mr. Lee embraces the label as he looks to a future of freedom in Hong Kong. This body can make a powerful statement of support for Martin Lee's democratic dreams by passing this resolution, and I hope they will move quickly to do so.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. 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 Wednesday, April 21, 2004, at 2 p.m. to conduct a hearing on the nominations of the Honorable Romolo A. (Roy) Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development; Mr. Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; and Ms. Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, Department of Housing and Urban Development.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 21, 2004 at 9:30 a.m. to hold a hearing on Iraq Transition: Civil War on Civil Society (II).

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 21, 2004, at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meting on S. 344, a bill expressing the policy of the United States regarding the United States' Relationship with Native Hawaiians and to provide a process for the recognition by the United States of Native Hawaiian governing entity, and for other purposes; and S. 1721, a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to be followed immediately by a hearing on S. 297, the Federal Acknowledgement Process Reform Act of 2003.

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

JOINT ECONOMIC COMMITTEE

Mr. HATCH. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 216 of the Hart Senate Office Building, Wednesday, April 21, from 10 a.m. to 1 p.m.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 21, at 2:30 p.m. in room SD–366.

The purpose of the hearings is to receive testimony on implementation of the recreation fee demonstration program by the Forest Service and Bureau of Land Management, and on policies related to the program.

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

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. Mr. President, on behalf of Senator HARKIN, I ask unanimous consent that Natalie Dupecher of his staff be granted the privilege of the floor for the duration of today's debate.

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

UNANIMOUS CONSENT REQUEST—H.R. 3550

Mr. FRIST. Mr. President, in a moment I will propound a unanimous consent request with respect to the highway bill, but first let me explain to everybody where we are. We passed our version of the bill in the Senate on February 12 by an overwhelming majority, 76 to 21. Subsequent to that, the House passed their bill, H.R. 3550, on April 2 by, again, an overwhelming majority of 357 to 65. That bill is now at the desk.

Therefore, I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken and the text of S. 1072, as passed, be inserted in lieu thereof; the bill then be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate, with a ratio of 11 to 10.

The PRESIDING OFFICER. Is there objection?

The assistant Democratic leader.

Mr. REID. Reserving the right to object, Mr. President, this is legislation I really understand. Senator INHOFE and a couple others worked hard to get this legislation passed. I would say, initially, this legislation could not have passed but for the support, under some very difficult times, of the majority leader. I commend him for his outward support and inward support. He supported us openly on the Senate floor and in all of the discussions we had off the Senate floor. I am very grateful for that.

We have a very fine bill. The House bill is a bill that is OK. It is not as good as ours. But let me say this. We were moving along just fine on this legislation until, for reasons unknown to most people, the President said he is going to veto the bill if it is more than X number of dollars. Keep in mind that this legislation that passed the Senate does not create a single new tax. A vast majority of the money comes out of the trust fund to take care of this. It takes care of highways and transit—a good bill. It would create more than a million new jobs—high-paying jobs—directly.

So I say to my friend, the distinguished majority leader, I believe if conferees were appointed tonight what we would do is the Senate would designate staff people to work on this bill with the House people. I would suggest—and I don't care what it is called; call it whatever you want to call it—our staffs should start working on this legislation.

It is obvious, because the Speaker has indicated why he does not want this bill. He said he does not want his Members to have to cast a tough vote. Mr. President, 357 to 65—I served in the House. I know how many votes it takes to override a veto. Over here I know how many votes it takes to override a veto. This bill is a good bill, and the majority of the House and the Senate would vote to override the President's veto. I believe the President, when confronted with the facts of what good legislation this is, would not veto the bill anyway, with the need for creating jobs. But I would hope the majority leader would allow the staffs to begin working on this to see if we can get to a point where a conference committee can be appointed. I want this bill to pass. I think it is something that needs to pass for our country. But I would hope we don't get in a position where our staffs can't work on this. I am sure the majority leader knows the staffs have already had one productive meeting. We could have a couple more and maybe get to the point where the majority leader would be satisfied that the staffs are doing the right thing, in his estimation. I would be happy to talk to my distinguished leader. He knows my interest in this bill. Hopefully, we would get it passed.

I apologize, this late in the evening, for talking as long as I have. But I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, we are in a unique situation, as you just heard explained quite well. This is a bill I very much want. It is a nonpartisan bill about which this body has spoken very loudly. I appreciate the leadership of my colleague from Nevada on this bill. We are very proud of the product we have produced. My whole intention of coming to the floor, which is the normal process, to appoint conferees, Republican and Democratic conferees, is to continue in an orderly fashion and bring the bill to completion so it is law, not just a bill. We passed it February 12. The House passed it on April 2. We passed two extensions of the previous highway bill already and the deadline for the next temporary extension will be next Friday. We will have to do it once again.

I am working very hard so we can have a conference committee, and we can't have a conference committee until we have conferees. It is time to act on the highway bill.

As the distinguished assistant Democratic leader said, over a million, and I would say 2 million, new jobs will be created by this bill. It is vital to our economy. It is vital to the Nation's infrastructure. Regular order would be for us to appoint conferees. We will continue to work, having heard the objection, in regular order which, in my mind, would accelerate passage of the bill. We will continue to work with the other side, although I am disappointed we cannot proceed with this regular order. But I am committed to the bill. The assistant Democratic leader is. Over 70 Members of this body are. So we will continue to work diligently in that regard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session

to consider the following nominations on today's Executive Calendar: Calendar Nos. 624, 625, 626, 627, and nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

COAST GUARD

The following named officer for appointment as vice Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Vice Adm. Terry M. Cross, 4308

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Rear Adm. Vivien S. Crea, 9704

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Rear Adm. Harvey E. Johnson, 0186

The following named officer to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C., Section 53 in the grade indicated:

To be rear admiral (lower half)

RADM (L) James C. Van Sice, 3714

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN1433 Coast Guard Nomination of Glenn M. Sulmasy, which was received by the Senate and appeared in the Congressional Record of March 12, 2004

PN 1434 Coast Guard Nominations (243) beginning George W. Molessa, and ending Yamasheka Z. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004

LEGISLATIVE SESSION

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

UNANIMOUS CONSENT AGREEMENT—S. 2329

Mr. FRIST. Mr. President, I ask unanimous consent that if cloture is not invoked on the motion to proceed to S. 2290, the asbestos bill, the Senate proceed to the immediate consideration of S. 2329, a bill relating to victims' rights, which was introduced earlier today by Senators KYL and FEINSTEIN. I further ask that S. 2329 be held at the desk, that there be no amendments in order to the bill, and debate be limited to 2 hours, with 30 minutes each under the control of Senators KYL, HATCH, LEAHY, and FEINSTEIN respectively. I further ask that upon the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate. I further ask unanimous consent that the cloture vote on the motion to proceed to S. J. Res. 1 be vitiated.

Mr. REID. Mr. President, I believe—although I am never certain—that cloture will not be invoked on the asbestos bill. The reason I mention that is I think the work done by Senators FEINSTEIN, HATCH, KYL, and LEAHY has been tremendous on this piece of legislation that we are going to debate tomorrow. It was originally in the form of a constitutional amendment. Even though I was a cosponsor of that early on, I think this is the appropriate way to do it.

I am very happy this most important legislation will be completed tomorrow. We don't often get to pat each other on the back around here for cooperation, but certainly this is an indication that people have worked well together and it is very good for the people of our country.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will just add to the assistant Democratic leader's comments. There is a lot of work most people don't see. Certainly, you didn't see very much of it on the Senate floor over the last couple days. People have worked in a bipartisan way to pass a bipartisan bill. So I, too, congratulate the appropriate leaders on that bill.

ORDERS FOR THURSDAY, APRIL 22, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m.; that following the prayer and the pledge, the morning hour be deemed to have expired and the Journal of proceedings be approved to date; that following the time for the two leaders, the Senate begin a period of morning business for 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; provided that following that 60-minute period the Senate resume consideration of the motion to proceed to S. 2290, the asbestos bill; provided further, that there then be 60 minutes of debate equally divided between the chairman and ranking member and, following that debate, the Senate proceed to a vote on the motion to invoke cloture on the motion to proceed to the bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning, following morning business, the Senate will resume consideration of the asbestos bill and the motion to proceed to the asbestos bill.

There will be an additional hour of debate prior to that vote on invoking cloture on the motion to proceed. I take this opportunity to thank Chairman HATCH and the many Members who have come to the floor to speak on the importance of this legislation. Indeed, both sides of the aisle have spoken to the critically important issue of an asbestos litigation system which is inefficient and, in many ways, run amok over its initial intention.

This vote is the beginning of the process and not the end. I have made that clear, hopefully, in every public statement and in every statement with my colleagues, as we have worked to negotiate this bill over the last week. It began several weeks ago when we set out on this course of bringing this to a real focus.

It is time to legislate on this important issue, and tomorrow's vote is an effort to work through many issues of the bill and to eventually produce an outcome.

If we are unable to invoke cloture on the asbestos bill, we are going to proceed to the victims' rights bill under the previous consent agreement. There will be up to 2 hours for debate prior to vote on passage of the victims' rights bill that was introduced earlier by Senators KYL and FEINSTEIN.

Therefore, Senators should expect at least two votes tomorrow. The first one will occur at approximately 11:30 in the morning on the motion to invoke cloture on the motion to proceed to the asbestos bill.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator REID.

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

ASBESTOS LITIGATION REFORM

Mr. REID. Mr. President, let me, first of all, say I tried to not be the last person speaking in the Senate, as people want to go home. We have lots of people here, including the Presiding Officer. I was asked early yesterday to give a statement today, and certain people are expecting me to do this. So I apologize to all the staff. I will try to be as quick as I can. I do believe that the statement is one that is important.

Let me, first of all, comment on the statements made by Senators HATCH and SESSIONS—those statements I heard today dealing with the asbestos legislation. I acknowledge that it is important legislation.

For example, I met in my office with Ken Bowa from Nevada, one of the vice presidents of the Pfizer Company. You would not think that a company that manufactures pharmaceuticals would have an asbestos problem, but they do. They bought a company 30 years ago,

or thereabouts, and that company at one time produced a material that had asbestos in it. Even though this is a multibillion-dollar company, that small purchase they made is causing them a lot of grief. So I know the problems from the business perspective. There are lots of problems. I understand that. I understand that my friend, Ken Bowa, had the interests of his client at heart, as do the other businesspeople, and their representatives come to see us.

One of the issues we always have to understand with asbestos is that in addition to the companies having problems, people are killed as a result of messing around with asbestos, working with it, working around it. Women who washed their husbands' clothes now have very serious illnesses, such as asbestosis, mesothelioma. With mesothelioma, it is not a question of dying; it is only a question of how soon. The average life expectancy is 14 months.

There is no question that as a result of some of the books written in the past year on Libby, MT, ''Fatal Deception,'' where companies knew the danger of this product and they covered it up, they hid it, as a result of that, people will get sick and will die.

This is an issue about which we must be very cautious before we do something. The main thing we need to do is make sure there is enough money to take care of the people who are tragically ill as a result of this substance.

My friend from Alabama, the distinguished junior Senator from Alabama, said: Why don't we take care of this bill; there has been a lot of work that has gone into it, speaking about the bill on which we are going to vote regarding cloture tomorrow.

We reported out a bill—the way it should be done around here—we reported a bill out of committee on a bipartisan vote. That bill had a price tag of $154 billion. The bill we are being asked to deal with tomorrow has a price tag of $109 billion. That is a huge difference. We were not allowed to work on the committee-reported bill. We are now being asked to vote on this aberration of that bill.

This is not about greedy lawyers. It is about sick people. It is about companies that are in dire straits as a result of asbestos.

In spite of all this, we have not taken appropriate action to ban the importation of this toxic, poisonous, horrible substance, asbestos. I have joined with Patty Murray to deal with the importation of this substance into our country, as other countries have done. We have not done that. This will need a lot of work.

NEGATIVE IMPACT OF NO CHILD LEFT BEHIND ACT

Mr. REID. Mr. President, the reason I came to the floor is, first, to express my appreciation to the former chairman, now the ranking member, of the Education Committee, the senior Senator from Massachusetts, for constantly reminding us of the importance of education, enabling America's families to improve the quality of their life.

I want to talk about the negative impact of the No Child Left Behind Act.

Congress is not expected to pass much legislation this year, even though there is much more that should be done. Of the dozens of issues we have yet to consider, addressing the consequences of the No Child Left Behind Act is paramount.

When the No Child Left Behind Act was passed, there were many who lauded President Bush's commitment to education. After all, who among us would allow any child to slip through the cracks of our educational system if it could be prevented? None of us would do that. At the time, many thought this was sweeping legislation and that sweeping legislation would fill those gaps.

Sadly, this has not been the case. The No Child Left Behind Act has done more harm than good in more States than not. In the State of Nevada, we are suffering under the burden of unfunded mandates this law imposed. In fact, a leading headline in the Reno newspaper, the second largest newspaper in the State of Nevada, reads:

Educators Give No Child Left Behind Act a Failing Grade.

The man who stated that is the superintendent of public instruction of Washington County, the second largest school district in the State of Nevada. He said it is not working. It took a lot of courage for this man to do this. He comes from a county that is a Republican county by registration, but it is a county that is very fair and very independent. I am sure they recognize that Jim Hager, the fine man that he is, the long-time superintendent he has been, would not say anything unless he truly believed it was true:

Educators Give No Child Left Behind Act a Failing Grade.

When I talk about Jim Hager, I am talking about the Washington County School District superintendent, but he is also president of the Nevada Association of School Superintendents. We have 17 counties in Nevada, 17 school superintendents, and he is speaking for them. He is speaking for the Nevada Association of School Superintendents.

Let me give a snapshot of the education landscape in Nevada. We have 17 counties, as I have mentioned, in the State of Nevada. Clark County, of course, is the county Las Vegas is in. Well over 70 percent of the people of the State of Nevada live in Clark County. It is a big county. The State of Nevada has approximately 400,000 students. About 280,000 students are from Clark County. It is the fifth or sixth largest school district in America.

I also want to say here, for future understanding of my remarks, in the Clark County School District, about 30 percent of the children in that school district are Hispanic. The vast majority of those Hispanic students come from Mexico. Many of those children, even though they are as smart as any other kids in America, have language problems because some of their parents do not speak English.

Clark County, which has this huge school district, needs $1 million annually for recruitment efforts. They have to hire 2,000 new teachers a year.

We have a real problem graduating minority students. We are 49th in the Nation. We graduate overall about 63 percent of all students. That is not good. We recognize that. But you will not meet a single parent, teacher, principal, superintendent, or school administrator of any kind who is not concerned about preserving and improving the quality of education for the kids in Nevada. In fact, there is no one within the sound of my voice who is not committed to giving every child an opportunity to graduate and go on to higher education, whether that higher education is college or some kind of trade school.

Whatever it takes for us to get there, we are going to do that. In fact, Nevada did create its own accountability system that will work in our States. It addresses the needs of our children in our own way. The No Child Left Behind Act was passed and now we are living in its wake. It reminds me of when I went to Hawaii for the first time. There was this beautiful beach on the island of Maui. We were eating in a restaurant and it was such a beautiful view. We had a conversation with the waitress and she told us when she was a little girl the beach that we could see opened up and went out for a football field, way out into the ocean. The kids ran out there. There was a school nearby where the restaurant is now. They ran out there. What they did not realize is that was a tsunami and it pulled the water out and you could not see the waves coming in. It washed over everybody and killed a lot of kids and a lot of people were hurt.

That is what has happened with the No Child Left Behind Act. One cannot see on the surface what has happened, but the undertow, the tsunami, has wiped out a lot of children. It is ironic that this sweeping education reform legislation authored by President Bush is receiving a failing grade from every school system it was intended to help. There is no question about it, as I indicated before, that it is hurting kids in Nevada. It is so bad in Utah, they have withdrawn from the program. The State of Utah—I am sure it is the first of a number of States to do that—said: We want no part of it. We want to educate our kids the way we think we should, and not have these burdens that I will talk about in just a minute.

So more than 2 years after this legislation was passed, parents are still struggling to understand the basics of the law, especially when they learn about terms such as ''annual yearly progress'' and ''failing school.'' As a parent, people want the best for their children. It is disturbing to be told

that the school their child attends is now considered failing.

As a result of this legislation, as my colleagues can see on this second chart I have, we have come up with some terms but hardly anyone understands them. In this glossary of terms, AYP—we will see that a lot—adequate yearly progress is a minimum level of improvement that school districts and schools must achieve each year as determined under the Federal No Child Left Behind Act.

Individualized educational plans are specific goals set by an educational team for a special education student and includes any special supports that are needed to help achieve these goals.

We can run through this whole list of definitions: Safe harbor, a provision intended for schools and districts that are making progress, at least 10 percent, in student achievement but are not yet making adequate yearly progress targets goals. It is designed to prevent the over identification of schools not making adequate yearly progress.

The definitions are unbelievably difficult. The people back in Washington do not understand them. The people in Nevada certainly do not understand them, nor do people around the rest of the country.

I have tried to help improve this legislation by introducing and supporting measures that will help, not hurt, our most vulnerable educational communities. I will give an example. Every day in Nevada, rural communities are confronted by a shortage of resources. We have 17 counties in Nevada. We have one county, Esmeralda County, that does not have 1,000 people living in it, and it is a pretty good size county. We have some schools that are very sparsely populated. We only have two counties that are heavily populated. Clark, I have talked about, that 70 percent of the people live there, and 20 percent in the metropolitan area of Washoe County. That leaves 10 percent of the people around the rest of the State.

It may surprise some people to know that there are still small towns in rural America where the citizens wait for a doctor to make rounds or a mail truck to drop off mail. These families have elected to stay in their communities despite all the obstacles, and they deserve an opportunity to enjoy a good quality of life.

We have rural schools in Clark County. My home is in Searchlight, NV. I am very fortunate the school there is named after me. It is not a very big school. There are about 50 kids in it, grades 1–6, but in Clark County we have schools that are rural schools. In Nevada, we still have one-room schools. So we are concerned about what is happening in rural America.

I have not traveled to Minnesota very much. After they immigrated to this country, my in-laws settled in Minnesota, and I know that a lot of very small communities are in Minnesota. People think of Minnesota as Minneapolis and St. Paul, but I am confident there are a lot of rural communities, just like in Nevada. That is why I introduced legislation entitled ''Assisting America's Rural Schools Act'' that addressed the concerns of rural school systems trying to comply with the teacher quality standards set by No Child Left Behind.

When I went to school in Searchlight, we had one teacher who taught all eight grades. There is a small town in Nevada called Austin in Lander County. It is a community much like the one I was raised in. Austin boasts a total of 63 students in grades K–12. For grades 6–12, there are only three teachers for all subjects. These teachers are considered highly qualified in science, English, math, and physical education. In order for Austin to acquire a teacher who is highly qualified in the subject of history, the local education agency must either find and recruit another teacher or send one of its three current teachers back to school to get accredited in history via distance learning.

Unfortunately, Lander County does not have the money to do any of this. The issue is not whether teachers in rural areas should be qualified to teach multiple subjects. They should. However, requiring them to obtain highly qualified status in all subjects simultaneously is unreasonable.

So my legislation gave rural school systems some flexibility in meeting the definition of a highly qualified teacher without diminishing high accountability standards for teachers. Rural school districts would be able to give a one-year exemption to any teacher who is already qualified in at least one core academic subject. A highly qualified teacher who is working toward that certification in another subject can still teach both subjects. The Department of Education adopted the principle of this bill last month.

The Secretary of Education came to Reno and made that announcement. Teachers in eligible rural school districts who are highly qualified in at least one subject will now have 3 years to become highly qualified. I am certain rural school districts and teachers are relieved the administration recognized the burden No Child Left Behind had placed and they recognized that my legislation was important.

That was just one of the many glitches in this mammoth bill. How many more will we face in years to come? Superintendent Jim Hager—I have talked about him—is responsible for 60,000 students in Washoe County. He gave an honest assessment of what is going on with the Leave No Child Behind Act throughout the State, and probably every other State. One of his chief frustrations is that all students who come into the Nevada school system are facing formidable challenges—learning disabilities, language barriers, or influences beyond their control attributed to their living conditions.

These challenges are significant and oftentimes the school system is intended to be the primary system to fix, help, or remove these obstacles. No Child Left Behind expects these school districts to turn these troubled children into top flight students within 1 year without receiving full funding from the Federal Government to do so.

If the schools do not turn these children around in a timely manner, they go on what is called a watch list, a badge that is not good, a badge these schools have to wear. This badge puts these schools on the verge of being branded failure.

Let me show a chart that depicts Clark County's failing school cells. If we look here, we will find in the Clark County school district where the problems are. If we look across, we will find that white kids are doing just very nicely. They are doing very fine. The schools that are mostly white have no problem, but if we go to a school that is Hispanic, there is a problem. Every place we see the red, which is failure, is Hispanic—one, two, three, four, five categories, and if we look at other minorities, African Americans, the same thing. I think this is a glaring example of why this legislation is bad.

It would be nice if you had a school which represented the percentage of people within the community, but that is not how schools are. We find in Nevada, as every place else, schools that are heavily Hispanic. You have schools that have large numbers of African-American children. In these schools, these people who are teaching have problems with language arts.

Let's say you have somebody starting school who has bad English. The way I look at this, even though my skin is white, I look at every one of these problems here as me. When I grew up, my parents were uneducated. They were not dumb; they were uneducated. My father never even graduated from the 8th grade. My mother never even graduated from high school.

I would have been part of this failing school system. If they had tried to test me out of the schools then, I couldn't have made it. It is just like a lot of these children.

These children here are not dumb. They have social problems. Maybe their parents didn't graduate from the 8th grade. Maybe their parents didn't graduate from high school. Maybe they don't have both parents at home. That doesn't mean they are dumb. Maybe what these children need, rather than a badge that they are in a failing school is extra help. That has not happened.

I believe we should hold our teachers and students accountable. But if we expect them to achieve miracles without providing the resources they need, we are setting them up for failure. That is what this bill has done. It is not helping children learn and it is not helping teachers teach.

Testing a child to make him learn is like weighing a steer to make him gain weight. By weighing a steer, he doesn't

gain weight. You have to feed him. That is how you get a steer to gain weight. Testing a child to make him learn is the same thing. You can't test a child into being proficient in English or Spanish.

The No Child Left Behind Act is having a ripple effect throughout the State of Nevada and throughout the country. That is why I am going to sit down with every county superintendent in the State next month and ask them what needs to be fixed. I think I know, but I want to hear them. I want them to have the opportunity to speak to me. We need relief in Nevada, and if we have to do it bit by bit we will. But this law as it stands puts our educational system in peril.

Nevada is not the only State that has problems. I was pleased the Department of Education adopted the principle of this bill last month, as I said. But if we look at the failing school system—look at another chart I have. Look at this one. This really, as far as I am concerned, is showing that it is pathetically horrible.

You can have a school that meets every criterion that is important under the No Child Left Behind Act—except one. Everything is just fine. But if there is limited English proficiency in that school, they are a failing school. If everything else is fine but they have limited English proficiency, they are given the red badge and now they are held up to being a failing school.

It is because they have children in the school who have come to school not being able to speak very good English. They are not dumb. They deserve an education. The No Child Left Behind Act is having a ripple effect throughout Nevada and throughout the Nation.

Nevada is not the only State having difficulties implementing this law; it is a national problem. Thousands of school districts are already trying to juggle school construction costs, increase graduation rates, find money for textbooks that they don't have. Reducing class sizes is impossible. They are figuring out what to do about overcrowded schools.

During the April recess I spoke with concerned citizens of Nevada. I went to several schools in what I call my Capitol Classroom program. I talked about overcrowded schools. There is one high school in Clark County with about 5,000 students in it. There are others almost that big: a high school with 5,000 students. More than 70 percent of our Nation's high schools have 1,500 or more students.

When the President signed the No Child Left Behind Act, he signaled his support for programs that were supposed to help students learn, including smaller schools and smaller classes. In contrast to that promise, in this year's budget the President zeros out the Smaller Learning Communities Program—zero.

I had the good fortune at one time in my career to be chairman of the Democratic Policy Committee. We had one of our retreats up in Wilmington, DE. I brought in there a woman by the name of Deborah Meyer. She was from New York. Deborah Meyer was a school principal of a big school in New York, an elementary school. Her kids were doing so awful that she decided to go to the school authorities and she said: Look, this is not working. Trust me. I want to try something. I want to take this school and, instead of having one school, we are going to have four schools. We are going to have four principals, four separate faculties, four separate lunch hours—everything is going to be like a separate school.

The school administrators said: We have nothing to lose. You are doing so bad you can't do any worse than you have done.

She did that and within one quarter, in 3 months, the scores had risen in every category and Deborah Meyer has become famous because of that and she has gone other places and tried the same thing. We need to understand smaller schools help.

Senator BINGAMAN and I, along with 14 other colleagues, sent a letter to the labor subcommittee requesting funding be restored. Not enough, but $200 million in the Smaller Learning Communities Program. We really need that.

The President has been given bad advice by the budgeteers down there. Common sense tells us students do best when they receive plenty of personal attention from their teachers. Studies tell us the same thing. According to the Department of Education, research suggests that positive outcomes associated with smaller schools stem from their ability to have close, personal environments where teachers can work with a small set of students, challenging and inspiring them.

They build big schools because it is cheaper. Smaller learning communities can achieve in different ways: small learning centers, core academics, magnet programs, schools within a school, as I have just described. It would seem to me, if this administration really wanted to help our teachers teach and help our students learn they wouldn't be trying to eliminate a program like this, to create smaller learning communities, which have been proven to do just that.

I touched only on a few things tonight dealing with problems of the No Child Left Behind Act. It is going to take a lot of work to improve this bill and make it what it promised to be, a tool that will help teachers and students in every public school in America. It is a difficult job but we must keep our promise to America's children. We can't afford to leave them behind.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:27 p.m., adjourned until Thursday, April 22, 2004, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 2004:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. TERRY M. CROSS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

REAR ADM. VIVIEN S. CREA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

REAR ADM. HARVEY E. JOHNSON

THE FOLLOWING NAMED OFFICER TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C. SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

RADM (L) JAMES C. VAN SICE

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COAST GUARD NOMINATION OF GLENN M. SULMASY.

COAST GUARD NOMINATIONS BEGINNING GEORGE W MOLESSA AND ENDING YAMASHEKA Z YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.

EXTENSIONS OF REMARKS

USE OF RAPE AS A WEAPON OF WAR IS WRONG

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GALLEGLY. Mr. Speaker, a recently released report has revealed yet more evidence of heinous human rights abuses committed by Burma's ruling military regime. The report by the Karen Women's Organization entitled ''Shattering Silence'' documents rapes of ethnic women by the regime's soldiers. If the allegations contained in the report are correct, the stories illustrate how Burma's regime uses rape to undercut resistance to its rule by attacking innocent and defenseless civilians.

I am especially horrified with evidence that over half of the rapes were committed by military officers, and 40 percent were gang-rapes. Reads one example: ''While she was living in her village she was captured as the porter to carry shells for the SPDC. At daytime she was forced to carry heavy things and at night she was raped . . . She was raped every night by one to five persons. If she refused or asked them to not rape her, then they slapped her or beat her or closed her mouth . . . At that time they jumped on her body with their boots. While she was being raped at night she heard women shouting from other places. And so she knew there were many women suffering like her.''

Furthermore, the report found that in 28 percent of the cases, the women were brutally killed and often mutilated after being raped by officers.

This is not the first time we have heard of the regime's use of rape as a weapon of war. This report supports previous evidence documented by the Shan Women's Action Network, Refugees International, and the Bureau of Democracy, Rights, and Labor at the State Department.

The use of rape as a weapon of war was wrong in Bosnia, and it is wrong in Burma. Burma's regime must be held to account, and their climate of impunity must end.

RECOGNIZING THE MONTGOMERY COUNTY FOSTER GRANDPARENT PROGRAM

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the constituents in my district who, through years of service, have made the Foster Grandparents Program a tremendous success in Montgomery County, Pennsylvania.

The Foster Grandparent Program is a pairing of low income elderly over the age of 60 with special needs children. There are currently over 140 men and women who volunteer 20 hours per week, 52 weeks per year, giving love, guidance, tutelage, and the wisdom of their years of experience to children from infants to eighteen years of age at numerous locations throughout Montgomery County.

The Foster Grandparent Program brings countless benefits to the senior citizens and to the children with whom they interact. This program allows the volunteers to remain active and involved in their communities, as they are needed and valued by everyone with whom they interact. The children the senior citizens work with are developmentally delayed, physically handicapped, homeless, abused, neglected, teen parents, delinquent, learning disabled, or born to mothers addicted to drugs. Through this pairing, the children increase their academic skills, enhance their self-esteem and learn to cope with their disabilities and special problems. Thus, through the program, they gain the knowledge that they are special and cared for as we all attempt to make the world a safer, less violent place to live.

The Foster Grandparent Program is a very successful and worthwhile program that puts the time and talents of Montgomery County, Pennsylvania's senior citizens to work benefiting special needs children. The program is 32 years old and, for 28 years, it has been sponsored by Montgomery County Family Services. Nationally, the Foster Grandparent Program is 39 years old with 350 Foster Grandparent Programs in all 50 states, the District of Columbia, Puerto Rico and the Virgin Islands.

Many of the people that have volunteered their time for the Foster Grandparent Program in my district have done so for several years. Mary Refino has participated in the program for 24 years; Elizabeth Baccke for 16 years; Dot Scandone for 15 years; Ann Dippolito for 11 years; Dolores Fogel, Rosa Lee Randall, Juanita Gray and Eldora Smith for 10 years; and Mary Banks, Betty Glover, Louise Watson and Ann Maire Williams for 5 years. It is the continuing dedication and commitment by these individuals that allows the Foster Grandparent Program to be such a success and help so many people.

Mr. Speaker, I ask my colleagues join me today in recognizing the Foster Grandparent Program and all of their volunteers in Montgomery County, Pennsylvania and across our nation.

PLEDGE OF ALLEGIANCE SPEECH

HON. C.L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. OTTER. Mr. Speaker, I rise today to call the attention of my colleagues to the wisdom of a child.

One of my constituents, an 11-year-old girl from Post Falls, Idaho, named Dori Thompson, recently delivered a simple but compelling speech about the Pledge of Allegiance, about American values, and about the source of the freedoms we enjoy.

I'd like to share it with you now:

Our nation's Pledge of Allegiance is 31 words. ''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.'' Are all those words important? I have been saying those words ever since I was in preschool and wanted to know what those words meant, where those words came from, and why our courts want to take ''under God'' away.

In 1892 our country was planning for the 400th anniversary of America's discovery. Two men, Francis Bellamy and James Upham, were interested in education and the planning of Columbus Day celebrations. To this day it is still not known which of the two men actually wrote the pledge, but it was published in ''The Youth's Companion'' September 8, 1892.

One month later more than 12 million school children said those words for the first time in schools around the nation. The pledge went through several changes over the years and the last change happened in 1954. Dwight D. Eisenhower added the words ''under God'' to confirm the belief that America's heritage and future were built upon faith in God. He thought that school children should dedicate our nation to God each day.

Now what do these 31 words mean? This is what I think:

I promise to be loyal to and love our symbol of freedom, our flag. It means each one of us is free; free because hundreds of thousands of soldiers have died for us so that we can have that right. I promise to be loyal to and love our government because it is for and has been chosen by the American people. Our nation exists because of God and was founded by our faith in Him, the Lord who is life, light, justice, truth, and love. Our nation cannot be divided under Him and we all have the right to our freedom and should be treated fairly, each and every one of us.

The 9th Circuit Court of Appeals said the Pledge is unconstitutional because of the words ''under God.'' Our country and values were made under the belief of God. So much of the world does not believe in God anymore. The world wants him taken out of everything. The Bible is not taught in public schools and therefore the world is not completely educated. Since these judges say that ''under God'' is unconstitutional, why do they start the day by saying ''God save the United States and this honorable court?''

The Pledge of Allegiance should not be changed because some people are offended by it. It is part of our national heritage. I am a Christian and I understand the meaning of all those wonderful 31 words.

Mr. Speaker, I couldn't have put it better myself.

Dori attends Classical Christian Academy in Post Falls. She is the kind of young person who gives me hope and faith in America's future. Mr. Speaker, I hope you find her words and her example as inspirational as I do.

LITTLE ELM PUBLIC LIBRARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the new Little Elm Public Library. The City of Little Elm will be celebrating National Library Week with a ribbon cutting ceremony for their new library.

On August 11, 2003, Little Elm Community Library moved into Little Elm Town Hall to become Little Elm Public Library. Ms. Tina Hager was hired to be its first Public Library Director.

In the 7 months the library has been in operation, it has reached several milestones and helped the lives of the citizens of Little Elm. Accommodating nearly 9,000 visitors thus far, the Little Elm Public Library has checked out over 11,000 items and registered 1,236 new patrons. The computers in the library have been used over 4,000 times for database searching, job hunting, writing reports and resumes, learning how to speak English, and for a variety of other reasons.

National Library Week is a fitting occasion for Little Elm's ribbon cutting ceremony. This week is a time to celebrate the contributions of our Nation's libraries and librarians and to promote library use and support.

I would like to commend Little Elm Public Library and its employees for their role in encouraging education in their community.

TRIBUTE TO MR. KEVIN JONES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Virginia Tech junior Kevin Jones, one of the fastest players in college football. Mr. Jones has become one of the most accomplished players in Virginia Tech history due to his tireless team spirit and incredible skill as a running back. Mr. Jones achieved recognition and greatness as a Hokie, becoming both a Doak Walker Award finalist and a Heisman Trophy candidate

Kevin Jones was the most highly-rated recruit in Virginia Tech history. In 2000, while playing at Cardinal O'Hara High in Springfield, PA, he was ranked as the Nation's top high school player by agencies such as Super Prep and Student Sports. He was the number one running back and number one overall player in the East Region and won the first-ever high school Heisman award for the Northeast region.

Kevin helped his Virginia Tech football team complete an outstanding season which culminated in advancing to the Insight Bowl. Despite only starting one season, he secured a position on many of his team's record lists. Although recorded in the books as a great running back with impressive numbers, Mr. Jones is best known for his great work ethic and love of his team.

Kevin Jones' exceptional talent led him to a difficult decision. He has had such an extraordinary career with the Hokies that he has opted to forego his senior season and declare himself eligible for the 2004 NFL draft. It is expected that he will be drafted in the first round. I wish Kevin the best in his pursuit of his dreams. He is a talented individual with the drive and determination to do anything that he puts his mind to.

It is a privilege to recognize Mr. Kevin Jones. I ask you and my other distinguished colleagues to join me in commending him for numerous achievements in his football career.

PAYING TRIBUTE TO PEGGY REEVES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Peggy Reeves and thank her for her extraordinary contributions in the Colorado General Assembly. She will always be remembered as a State Senator and Representative with the utmost dedication and talent, and will continue to be known as a leader in the community. As she moves on in her distinguished career, let it be known that I, along with the people of Colorado, are eternally grateful for all that she has accomplished in her tenure in the Colorado General Assembly.

Peggy was elected to the Colorado State Senate in 1996, and subsequently in 2000, after serving in the State House of Representatives from 1983 to 1996. Serving the people of Larimer County in District 14, Peggy has long been an advocate of budget reform, health care, education, and economic development. During this current term, Peggy serves as a member of the Appropriations and Joint Budget Committee. Her outstanding record has garnered Peggy praise and awards from numerous organizations throughout the state and country, including the March of Dimes Advocate of the Year in 2000, the Colorado Community Health Network 2001 Outstanding Legislator of the Year, and the Colorado Treasurer's Association 2001 Unique Woman of Colorado Award.

In addition to her service in the Colorado General Assembly, Peggy has dedicated much of her efforts to numerous civic organizations. She is a member of the American Association of University Women, Colorado State University Women's Association, and a past member of Fort Collins Community Foundation and United Way Campaign. In addition to her philanthropic endeavors, Peggy is the proud mother of two children, Margaret and Michael, and two grandchildren, Nathalie and Max.

Mr. Speaker, it is clear that State Representative Peggy Reeves has displayed a terrific level of dedication and commitment to her community and the State of Colorado. She is a remarkable woman, who has achieved extraordinary things in her distinguished tenure in the Colorado General Assembly, and I am honored to be able to bring her hard work and dedication to the attention of this body of Congress and this nation. It is my privilege to be able to express to her, and to this country, my gratitude for all that she has done for our wonderful state. I wish her and her husband Brent all the best in their future endeavors.

HONORING THE ANNUAL BAYONNE HOLOCAUST REMEMBRANCE DAY OBSERVANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Annual Bayonne Holocaust Remembrance Day Observance. On Sunday, April 18, 2004, the Inter-Faith Clergy and the Bayonne Jewish Community Council co-sponsored the Holocaust Memorial Observance Program held at 2 p.m., at Bayonne City Hall Council Chambers.

The Annual Bayonne Holocaust Remembrance Day Observance Program not only honored the victims of the Holocaust, promoted Jewish history and culture, but also served as an opportunity to bring together the Bayonne community to foster understanding among all people. The United Jewish Appeal Federation of Bayonne, the umbrella organization for the Jewish Community in Bayonne, has served to promote civic and communal duties, in order to enhance the quality of life in Bayonne.

The Annual Bayonne Holocaust Remembrance Day Observance Program was chaired by Alan J. Apfelbaum, an active and dedicated member of the Jewish community. Mr. Apfelbaum has been a constant figure at the Annual Bayonne Holocaust Remembrance Day Observance Program since its inception. The event included proclamations made by Mayor Joseph V. Doria, Jr., as well as keynote speaker Professor Harry Reicher from the University of Pennsylvania Law School.

As Director of International Affairs and Representative to the United Nations of Agudath Israel World Organization, Professor Reicher has fought for international human rights, particularly religious freedom. Born in Prague and raised in Australia, Professor Reicher has done extensive research, focusing on Nazi legislation and its assault on the Jewish community.

Today, I ask my colleagues to join me in honoring the Annual Bayonne Holocaust Remembrance Day Observance for remembering the victims of the Holocaust; and I ask that we, too, remember the Holocaust, its victims, and the ruthlessness of the Nazi regime. We must never forget.

IN RECOGNITION OF JOHN T. SIMS, JR.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ROGERS of Alabama. Mr. Speaker, Lance Corporal John T. Sims, Jr., 21, of Alexander City, Alabama, died on April 10, 2004 in Iraq. Lance Corporal Sims was a member of the Marine's 2nd Battalion, 4th Marine Regiment, 1st Marine Division, based at Camp Pendleton, California, and died of a gunshot sustained during combat. He is survived by his mother Margaret Kellum, stepfather Jerry Kellum, and his sister Daphne, as well as his father, John T. Sims of Millbrook. He is also survived by his sister Wendy Smith of Alex

City, his maternal grandparents William and Mary Peppers of Our Town and a paternal grandmother, Beulah Sims of Alexander City.

John Sims, Jr. was eager to serve his country as a Marine, Mr. Speaker. After graduating from Benjamin Russell High School in 2001, he joined the Marines and was known for his great sense of humor, his quick wit, and his big heart. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Lance Corporal Sims died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

A PROCLAMATION IN MEMORY OF RUTH L. APPLEGARTH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Ruth L. Applegarth; and

Whereas, Ruth Applegarth was a loving sister, mother, grandmother, and great-grandmother to the members of her family. Ruth was a faithful member of the New Athens United Methodist Church and spent her time working with Flushing Chapter 369, Order of the Eastern Star. As a licensed Practical Nurse at the Hillview Nursing Home in Flushing, the Cadiz Convalescent Center, the Belmont Habilitation Center and the Cadiz Group Home, Ruth brought comfort and solace to those patients she cared for; and

Whereas, Mrs. Applegarth will certainly be remembered by all those who knew her because of her loving nature towards her family, friends and community; and

Whereas, the understanding and caring to which she gave to others will stand as a monument to a truly fine person. Her life and love gave joy to all who knew her;

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Ruth L. Applegarth.

SHELLEY CENTENNIAL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. OTTER. Mr. Speaker, I rise today to salute the city of Shelley, Idaho, a community in the heart of my state's rich potato country that this year is celebrating the centennial of its founding.

John F. Shelley settled eastern Idaho in 1892, just two years after statehood. He built the first home, and later a store, in the town that would bear his name. The railroad saw promise in the area's rich volcanic soil and stalwart pioneers, and put in a spur line to connect them with the world. Shelley officially became a city in 1904.

In 1927, community leaders in Shelley organized the first annual Idaho Spud Day, a tradition that grew through the years and continues each September with the support of area growers and processors. Indeed, Shelley has become so thoroughly identified with Idaho's world famous potatoes that its high school teams are known as the "Russets."

That heritage has a special place in my heart, Mr. Speaker. My career in private business was focused on the potato industry. Over 30 years, selling Idaho potato products around the world, I came to know and appreciate my state's farmers and the towns and businesses and families their labors support—like Shelley.

It is a community with a rich and proud history, built on hard work and faith and values that endure. It is a place where people know one another, and look after one another. The people of Shelley are tough and resilient, and they are committed to keeping their hometown the kind of place much of America would still like to be.

Mr. Speaker, please join me in congratulating Shelley and its fine citizens for a remarkable century of tradition, achievement and progress. I'm confident that Shelley, Idaho, will remain a special place to live, work and raise a family for generations to come.

AMERICAN LUNG ASSOCIATION TURNS 100

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BURGESS. Mr. Speaker, as a second generation doctor, who practiced medicine for 21 years, I am proud to congratulate the American Lung Association on this their centennial anniversary. The American Lung Association operates as the oldest voluntary health organization in the United States. The organization was founded in 1904 with the purpose of trying to combat tuberculosis. Today the Association fights all lung diseases with special emphasis on tobacco-related diseases and asthma.

One of the main focuses of the American Lung Association is the reduction of tobacco use in order to combat lung disease. The act of smoking itself makes it difficult for a person's lung to function properly which makes the lung itself vulnerable to carcinogens from the smoke inhalation. Cigarettes and tobacco contain many cancer-causing chemicals. Along with disabling the immune response and destroying the lung tissue, chemicals can wreak cancerous havoc within the lung, esophagus, throat, and mouth. Chemicals found in tobacco smoke also destroy the cellular mechanisms which remove particles from the bronchial passages and results in "smoker's cough". Helping America to stop smoking is a difficult, but worthy pursuit.

The second mission the association has been focusing on for one hundred years is that of asthma. Asthma is a lung disease that can be life-threatening and is chronic. In other words, you live with it every day. Asthma can develop quickly and it can range from being a mild discomfort to a life-threatening attack if breathing stops completely. This is a deadly, often overlooked threat that the American Lung Association is fighting.

Today, lung cancer is the leading cause of death from cancer in men and women. Therefore, it is vital that both public and professional efforts be directed at effectively controlling this epidemic. The American Lung Association is doing its part in helping us to fight this deadly disease. They now operate by means of contributions and grants from corporations, foundations, and government agencies. Major medical and educational institutions help the association to provide information and programs to schools, communities, and different health agencies completely free or at a nominal fee.

Thank you for serving our nation for one hundred years in combating lung disease.

TRIBUTE TO MR. JAMEER NELSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Saint Joseph's University senior Mr. Jameer Nelson, who will go down in history as one of the greatest basketball players to have ever graced the court of St. Joseph's University. This 5′11″ point guard recently completed a sweep of the National Player of the Year awards, winning honors such as the John R. Wooden Award, the award for Associated Press Player of the Year, and the Pomeroy Naismith Award.

This unanimous AP All-American selection led the Hawks to an incredible 30–2 season, topping the team in points, assists and steals, while simultaneously becoming Saint Joseph's career leader. His four-year class secured the most wins in school history with a 98–27 record and rallied the support of people in the greater Philadelphia area with four consecutive post-season appearances. This year, he and the Hawks attained their first-ever number-one seed in the NCAA tournament and advanced to the Elite Eight. In recognition of Mr. Nelson and his monumental career at Saint Joseph's, his number 14 will be retired.

As a Chester, PA native, Mr. Nelson has had an outstanding collegiate career and is now preparing for a professional basketball career. His talents and many awards provide him tremendous opportunity in the NBA and in life.

It is a privilege to recognize a young person whose ability, leadership, and commitment have brought success to his school and team. I ask you and my other distinguished colleagues to join me in commending Mr. Jameer Nelson for achievement in his basketball career.

PAYING TRIBUTE TO TERRY PHILLIPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Terry Phillips and thank him for his dedication to Colorado and his community as a two-term State Senator. The level of energy and integrity that he has brought to the General Assembly throughout his years of public service are truly outstanding. As Terry celebrates his retirement, let it be known that he leaves behind a great legacy of commitment to the people of Colorado and the Colorado General Assembly.

A Boulder County Assessor from 1989 to 1997, Terry was elected from District 17 to serve the community of Boulder in the State Senate in 1996, and subsequently in 2000. As a dedicated public servant, Terry also is a member of the Colorado Student Loan Program Advisory Committee, Executive Committee for the Council of State Governments West, Water Policy Committee, and the State/Local Forum and Advisory Commission on Intergovernmental Relations. For this current term he serves as a member of the Appropriations, Business Affairs & Labor, Finance, and Joint Computer Management Committees. Some of the honors he has received for his significant accomplishments while serving in the General Assembly include the Colorado Assessors' Association Legislator of the Year award in 2002, University of Colorado Health Sciences Center Alumni Legislative Award in 2000, and the University of Colorado Boulder Alumni Legislative Award in 1999.

Mr. Speaker, it is quite clear that Terry Phillips is a person that has displayed a terrific level of dedication and commitment to his life long pursuit of public service. Terry's selfless dedication to his Boulder community and the State of Colorado is truly outstanding, and it is my privilege to recognize him today before this body of Congress and this nation. I wish him all the best in his future endeavors.

IN RECOGNITION OF STEPHEN D. HILLER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ROGERS of Alabama. Mr. Speaker, Spc. Stephen D. "Dusty" Hiller, 25, of Killeen, Texas, died on April 4, 2004, in Iraq. Spc. Hiller was a member of the Army's 2nd Battalion, 5th Calvary Regiment, 1st Calvary Division, based at Fort Hood, Texas, and was killed when his unit was attacked near Baghdad. He is survived by his wife Lesley and their four children, and is the son of Elizabeth Hiller of Opelika, and Steve and Glenda Hiller of Waverly.

Stephen Hiller was eager to serve his country, Mr. Speaker, and earned the nickname "Dusty" from his father. After attending Opelika High School, in 1998 he pursued his dream of serving in the military and enlisted in the Army. He later served in the Alabama National Guard. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Spc. Hiller died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

HONORING ZOILA PEREZ ROBAINA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Zoila Perez Robaina on her 90th birthday. On Sunday, April 18, 2004, Mrs. Perez Robaina celebrated this momentous occasion with her closest friends and family.

Zoila Perez Robaina was born in Consolacion del Sur, Pinar del Rio, Cuba on April 22, 1914. She was one of 11 children born to Encarnación Robaina Gonzalez and Antonio Perez Robaina. At a young age in Cuba, Mrs. Perez Robaina took an apprenticeship in embroidery and fashion design. Once she was proficient, she began a private business from her home specializing in infant clothing and bridal accessories.

After sustaining 10 years under the Castro regime, Mrs. Perez Robaina, who met her husband Wilfredo Alfonso Ortega in Cuba, left the island with her daughter in 1969 and made her way to Newark, New Jersey. Her husband was forced to stay in order to be supportive of their son, Lazaro, who had been imprisoned for his political pursuits against the revolution. It was 4 years until the entire family was finally reunited in the United States.

Once in New Jersey, Mrs. Perez Robaina worked tirelessly at Koryette's Department store as an inventory clerk to provide for her family. She was a dedicated parishioner of the Immaculate Heart of Mary Church. After the passing of her husband in 1981, Mrs. Perez Robaina moved to the City of North Bergen where she began to attend Our Lady of Libera church. During her time at both Immaculate Heart of Mary Church and Our Lady of Libera Church, she was an active member of Mary's Legion.

Mrs. Perez Robaina is the loving mother of two children, Lazaro and Gloria, and the proud grandmother of 7 grandchildren. And at the age of 90 years, she is an integral part of her family, with her infectious energy and love.

Today, I ask my colleagues to join me in honoring Zoila Perez Robaina in celebration of her 90th birthday. I wish her good health and happiness in the years to come.

A PROCLAMATION RECOGNIZING DYLAN FOWKES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker,

Whereas, Dylan Fowkes has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Dylan Fowkes has shared his time and talent with the community in which he resides; and

Whereas, Dylan Fowkes has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Dylan Fowkes must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 23 and the entire 18th Congressional District in congratulating Dylan Fowkes as he receives the Eagle Scout Award.

TRIBUTE TO TAIWAN RELATIONS ACT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to commend the people of the Republic of China on Taiwan and to commemorate the 25th anniversary of the enactment of the Taiwan Relations Act. Originated in the Congress, the Act protects a people who would otherwise be at the mercy of their larger cousins across the Strait.

The Act, signed into law by President Jimmy Carter on April 10, 1979, forms the basis for the security of our most important Asian ally and trading partner. It has enabled that beleaguered island to become an economic and political miracle.

Mr. Speaker, Taiwan enjoys a vibrant democracy, with competitive political parties participating in free and open elections. Its government and its market-based economy are models for those nations struggling to lift themselves out of the poverty Taiwan once suffered.

PAYING TRIBUTE TO CARL MILLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Carl Miller and thank him for his dedication to Colorado as a four-term representative in the State House of Representatives. Carl has brought an outstanding level of energy and integrity to the State House throughout his years of public service, and as he celebrates his retirement, let it be known that he leaves behind a great legacy of commitment to the people of Colorado and the Colorado General Assembly.

A third generation Leadville native, Carl has always held firm to his beliefs of serving his community and country. Graduating from Leadville High School in 1956, he joined the army and served in Germany from 1958 to 1960. In 1977 Carl filled his first elective office as Lake County Commissioner, and served as past chairman and member of Region 13 Council of Governments. In 1996, Carl was elected to serve District 56 in the Colorado House of Representatives, and presently serves on the Agriculture, Livestock, & Natural Resources Committee; Information & Technology Committee; and the Capital Development Committee.

An active member of his community Carl has devoted his time to numerous civic organizations. A miner for twenty-seven years, Carl served as president and executive director of the National Mining Hall of Fame and Museum from 1989 to 1999. He has served on the Lake County School Finance and Scholarship Committees, Lake County Advisory group, Lake County Historic Preservation Committee, and the 3rd Congressional Military Academy Advisory Selection Committee. Carl and his wife Mary Ann of forty-three years have two daughters and four grandchildren.

Mr. Speaker, it is clear that State Representative Carl Miller has ceaselessly dedicated his time and efforts to serving his district and the people of Colorado in the Colorado General Assembly. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service Carl and I wish you all the best in your future endeavors.

HONORING THE FAITHFUL SERVICE OF EDGAR B. JACKSON, JR., M.D.

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. JONES of Ohio. Mr. Speaker, I rise to recognize Edgar B. Jackson, Jr., M.D. in celebration of the establishment of a $1.53 million endowed chair position in his honor at University Hospitals in Cleveland, OH. His dedicated work over the past 38 years with University Hospitals and Case Western Reserve University is exemplary.

Dr. Jackson began his work as a laboratory assistant at Western Reserve University, where he received his medical degree in 1966. He remained active at the university and became the first African-American at Case to become a professor of clinical medicine. One of Dr. Jackson's passions in life was to provide better health care for underprivileged Clevelanders, and he acted on this passion by establishing medical centers in Glenville in the 1970s and Fairfax in the 1990s.

Dr. Jackson went on to serve as the Chief of Staff and Senior Vice President of clinical affairs at University Hospitals. A true professional and family man, he is still practicing medicine but will begin to focus more of his time and attention on his grandchildren.

The Edgar B. Jackson, Jr., M.D. Endowed Chair is the first chair to be named after a black doctor at University Hospitals and will be funded by over 200 prominent Cleveland donors. Dr. Jackson served as my personal internist and is also a close friend. I would like to honor Edgar Jackson for the establishment of his endowed chair and thank him for his support and encouragement over the years.

On behalf of the people of the 11th Congressional District of Ohio and the United States Congress, I pay tribute to the leadership, dedication, support, and commitment of Edgar B. Jackson, Jr., M.D. to University Hospitals and to the community.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. GALLEGLY. Mr. Speaker, on Friday, April 2, 2004, I was unable to vote on H.R. 3108, On Agreeing to the Conference Report on the Pension Funding Equity Act (rollcall 117). Had I been present, I would have voted "yes."

HONORING CLUB ESPAÑA OF NEWARK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Club España for continuing to promote Spanish culture throughout the City of Newark. On Saturday, April 17, 2004, Club España celebrated its 40th anniversary with a dinner/dance at 8 p.m., at 180 New York Avenue, Newark, New Jersey.

For forty years, Club España has served the city and community of Newark as a center for promoting Spanish culture. As the city continued to diversify, Club España has continued to provide a place to keep Spanish cultural tradition alive. Through music, traditional dance, and events, Club España has afforded generations of Spanish immigrants an opportunity to continue to practice the traditions of their native land and honor their heritage. Cultural centers, like Club España, provide communities with numerous opportunities to learn and participate in activities, and for friends, families, and strangers to meet and interact.

Club España not only serves as a Spanish cultural center, but has also been actively involved in its community. Located in Newark's historic Ironbound district, Club España has instituted several social programs for children, families, and seniors, in order to assist those who are less fortunate. One shining example is the youth members program, established to teach children about the history and culture of Spain. The programs offered by Club España provide a sense of community, as well as tools and assistance for our children to succeed in the future.

Today, I ask my colleagues to join me in honoring Club España for its distinguished public service, and its dedication to promoting Spanish culture in the City of Newark. I was truly honored to be Club España's guest of honor at the 40th anniversary Dinner/Dance event.

A PROCLAMATION HONORING NOELLE RUPLI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, Tim and Linda Rupli are celebrating the arrival of their daughter, Noelle Rupli; and

Whereas, Noelle Rupli was born on the sixteenth Day of March, 2004 and weighed seven pounds and fourteen ounces; and

Whereas, Tim and Linda are proud to welcome their new daughter into their home; and

Whereas, Noelle Rupli will be a blessed addition to her family, bringing love, joy and happiness for many years to come;

Therefore, I join with Members of Congress and Congressional Staff in celebrating with Tim and Linda Rupli and wishing Noelle Rupli a very happy birthday.

HONORING THE ACHIEVEMENTS OF MR. EDWARD J. KEPPEL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to pay tribute to Edward J. Keppel.

Mr. Keppel entered active duty as a second lieutenant on Sept. 1969 with an assignment to Det 10, 6 WW, Eglin AFB, FL. He separated from active duty in Dec. 1973 to pursue graduate studies in meteorology at Penn State University.

In Dec. 1974, Mr. Keppel returned to Eglin to continue the work he enjoyed supporting weapons testing—this time as a civilian staff meteorologist for Det 10 (later renamed 46th Weather Squadron).

Throughout the next 30 years Mr. Keppel has directly influenced many changes and great technical advancements. He has seen guided missile programs such as the Advanced Medium-Range Air-to-Air Missile (AMRAAM) develop from concept to operational capability.

Mr. Keppel was a pioneer in developing weather support for armament testing. He utilized DMSP equipment and "metvans" to instrument test ranges for real-time and post-test mission analysis.

His efforts contributed greatly to the fielding of the first portable upper air sounding system—initially meant exclusively for testing, but is now used for many operational weather support applications around the world.

Mr. Keppel was a driving force behind instrumenting the Eglin test range with Remote Automated Weather Stations (RAWS)—which are used today to provide critical data for missions ranging from armament flight test to Army Ranger Training Battalion swamp movement training.

More recently, Mr. Keppel was recognized for his expertise with sound propagation models used in support of the first two test detonations of the Massive Ordinance Air Burst (MOAB), the largest conventional bomb in the U.S. inventory. This weapon was developed and tested for use in OPERATION IRAQI FREEDOM.

Mr. Speaker, I, on behalf of the United States Congress, salute Mr. Keppel for reflecting a great credit upon himself, and our nation. I offer my sincere thanks for all that he has done for Northwest Florida and this great nation.

PERSONAL EXPLANATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. KLECZKA. Mr. Speaker, on Tuesday, April 20, I was not present for business on the floor of the House due to personal business and was thereby absent for votes on rollcall Nos. 118 through 120. Had I been present, I would have voted ''yea'' on rollcall No. 118, ''yea'' on rollcall No. 119, and ''yea'' on rollcall No. 120.

TRIBUTE TO PRIVATE FIRST CLASS JOHN AMOS, II

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and honor that I pay tribute to an outstanding American, a true patriot, and a hero to his country, Private First Class John Amos II. Pfc. Amos was killed in action on Sunday, April 4, 2004, while serving in Kirkuk, Iraq for the 1st Battalion, 21st Infantry Regiment, 25th Infantry Division of the United States Army. He bravely sacrificed his life to ensure the safety of his fellow soldiers, the Iraqi people, and the very idea of freedom throughout the world. He was remembered at funeral services held on the morning of Tuesday, April 13, 2004, in his hometown of Valparaiso, Indiana.

John Amos was raised in Griffith, Indiana and later moved to Valparaiso, Indiana where he graduated from Valparaiso High School in 2002. After the September 11, 2001, terrorist attacks on the United States, John's dedication to his country led him to enlist in the United States Army right after his graduation from Valparaiso High School. Although the physical and mental demands were extremely difficult, John remained undeterred in his desire to serve in the military. The son of an Air Force Veteran, John understood the hardships of military life and accepted them with the courage and fortitude befitting a soldier dedicated to the defense of his country.

Pfc. Amos deployed for Iraq as part of the 1st Battalion, 21st Infantry Regiment, 25th Infantry Division. John was on patrol near Kirkuk, Iraq when an explosion hit his military vehicle and prematurely took his life. John wanted nothing more than to dedicate his life to the military, and he honored his unit on April 4, 2004, by sacrificing himself to preserve the values he treasured.

Although it was his ambition to serve his nation as a soldier, nothing was more important to Pfc. Amos than his family. He is survived by his mother, Susan Amos, his father, John Amos, a sister, Rebecca Amos, two half brothers, Hunter and Tyler Amos, grandfather, Hank Amos, and grandparents Doug and Lucy Whitehead, as well as a nation and a community who will never forget the sacrifice that he made to protect our freedom. His father, John Amos, was an Air Force Veteran who John looked to for guidance and advice while contemplating service in the military. John remained close to his family until his death, and he will never be forgotten by those he left behind.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Private First Class John Amos II. Pfc. Amos is the 21st resident of Indiana to sacrifice his life in Iraq, and his passing comes as a difficult setback to a community already shaken by the realities of war. Pfc. Amos will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

HONORING SALEM SHAPIRO'S 95TH BIRTHDAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, on Friday, April 23, Salem Shapiro, a retired city planner now living in Redding, Connecticut, will celebrate his 95th birthday. Normally on an occasion like this, I would hail his service in the Pacific Theater during WWI and salute the idealism with which he battled suburban sprawl and exclusionary zoning. But such a standard tribute to his 60–year career misses the larger message of his life: his joyful refusal to bow to the cliches of old age.

Like many senior citizens today, Salem Shapiro took up writing in his late eighties. But instead of dwelling on autobiography and family genealogy, he composed satirical essays that channeled the spirit of Jonathan Swift. Claiming to be a master of ''Non-Euclidean, Non-Linear Logic,'' he puckishly suggested that the elderly were fast becoming an endangered species because of their ''unusually low birth rate when compared with other sectors of the population.'' His remedy was to champion the mythical organization called ''Save the Elderly from Themselves.'' Then there was his mocking proposal to deal with the high cost of campaigning by suggesting that the presidency be let out for auction, thereby enriching the Federal Treasury rather than individual TV stations.

But nothing better captures Salem Shapiro's indomitable spirit as well as a poem he wrote a few years ago entitled ''An Attitude.'' The last two stanzas deftly summarize his philosophy of aging:

I too have lived a lifetime
Enjoying myself and serving society
But I will not allow me
To be cast off like the leaf
In the Fall of my life.

I shall continue my activity
In interacting with friends
And people and groups such as this
That constitutes my tree
And resist turning dry and crumble.

Longevity encompasses far more than luck and genes. It is, in many ways, the ultimate art form.

Mr. Speaker, please join me as I hail Salem Shapiro on his 95th birthday.

PAYING TRIBUTE TO BRAD YOUNG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Brad Young and thank him for his commitment to public service as a four-term member of the Colorado House of Representatives. Brad will always be remembered for the leadership and guidance he has provided, and as he celebrates his retirement, let it be known that he leaves behind a great legacy in the Colorado General Assembly and for the people of Colorado.

Raised in Lamar, Colorado, Brad received his bachelor's and master's degree in agricultural engineering from Colorado State University. This academic background served Brad well in representing Baca, Bent, Huerfano, Las Animas, Otero, and Prowers counties in the 64th District, where agriculture and water issues are so vital. His work in the General Assembly also has included sponsoring the Habitat Partnership program, the Rural Doctor Tax Credit, Workers Comp Education by Community Colleges, and Aquaculture regulation by the Department of Agriculture. Brad's leadership and dedication in the State House earned him the important chairmanships of the Appropriations and Joint Budget Committees, and he is a former member of the Education and Transportation Committees.

Mr. Speaker, I am honored to pay tribute before this body of Congress and this nation to State Representative Brad Young for his selfless efforts of public service during his tenure in the Colorado House of Representatives. The level of integrity and honesty Brad has displayed while serving his district and the people of Colorado has earned the respect and admiration of his peers. I would like to extend my congratulations to Brad on his retirement and wish him, his wife Rebecca, and his two daughters Cassandra and Laura all the best in their future endeavors.

A PROCLAMATION HONORING JULIA MARIE ERICKSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, John and Michelle Erickson are celebrating the arrival of their daughter, Julia Marie Erickson; and

Whereas, Julia Marie Erickson was born on the twenty-fifth Day of March, 2004 and weighed seven pounds and one ounce; and

Whereas, Mr. And, Mrs. Erickson are proud to welcome their new daughter into their home; and

Whereas, Julia Marie Erickson will be a blessed addition to her family, bringing Cove, joy and happiness for many years to come;

Therefore, I join with Members of Congress and Congressional Staff in celebrating with

John and Michelle Erickson and wishing Julia Marie Erickson a very Happy Birthday.

CONGRATULATING NATIONAL TEACHER OF THE YEAR KATHLEEN MELLOR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate Kathleen Mellor for being named the 2004 National Teacher of the Year. Mrs. Mellor, a resident of South Kingstown, Rhode Island, is the first Rhode Islander and also the first English as a Second Language (ESL) teacher to be honored with such an award.

Mrs. Mellor currently teaches at Davisville Middle School and Hamilton Elementary School. She has twenty-three years of experience as a teacher and has worked with the North Kingstown School Department since 1985. She developed an ESL program for the school system that allowed ESL students to remain in mainstream classrooms for the majority of their day. She fostered a community within the school, while encouraging students to share their own cultures and languages with one another. This first-rate program flourished and is still in place today.

In addition to her many academic accomplishments, Mrs. Mellor volunteers in her community and started a program called Ladybugs where mothers of ESL students can practice their conversational English, so they can better understand their children's new lives. In recognition of her creation of a warm learning environment, energetic disposition, and determination for her ESL students to succeed, she was nominated for, and won, the 2004 Rhode Island Teacher of the Year Award.

Mrs. Mellor was named National Teacher of the Year by the Council of Chief State School Officers on April 20th, 2004. Today she will be recognized for her achievements by President Bush in the Rose Garden of the White House. In the next year, 150 national and international groups will have the honor of hearing Mrs. Mellor speak while she travels as the national ambassador for the teaching profession.

Mr. Speaker, it is not often enough that the hard work and determination of our educators are acknowledged, so it is with great pride that I recognize an exceptional teacher like Kathleen Mellor for all her accomplishments.

I hope our colleagues will join me in congratulating Kathleen Mellor on her award.

VFW VOICE OF DEMOCRACY SCHOLARSHIP CONTEST

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. WILSON of New Mexico. Mr. Speaker, I commend to my colleagues the following essay written by one of my constituents.

[From the 2003–2004 VFW Voice of Democracy Scholarship Contest]

MY COMMITMENT TO AMERICA'S FUTURE

NEW MEXICO

(By Christina Durano)

The future of America does not depend on power of its government, the wealth of its corporations, or the abundance of its natural resources. The future of America lies in its young people and their commitment to this extraordinary nation. As a young person, I cannot foretell America's future, but I can help decide it by my beliefs, my actions and most importantly my commitment to America's future.

Why is commitment so important? Because commitment is the power that enables a person to achieve his highest goals and greatest aspirations. Commitment is knowing what you want, and doing whatever it takes to get it. And, as an American, I am committed to my nation's future, in four distinct ways. Four C's, if you will.

I am committed to the common cause of freedom and equality for everyone, regardless of age, gender, race or religion. George Bernard Shaw said, ''Liberty means responsibility.'' And responsibility requires commitment to the common cause of freedom. Without this commitment, the dreams of Americans, young and old, cease to exist. Personally, I'm looking forward to a college education, but because I've chosen alternative schooling, I need colleges to view potential students equally, without prejudice, whether they attend to public school, private school, or homeschool. Freedom, the common cause that upholds ''liberty and justice for all'', is dependent on each citizen's commitment.

Secondly, I am committed to communicating my convictions in both public and private situations. When I turn eighteen, like every other American citizen, I will be given the right to vote. I will use that right because I know that each vote counts. History records that Abraham Lincoln, one of the most influential Presidents ever, won his Presidency by only one electoral vote. In the same way, however, Adolph Hitler won his dictatorship by one vote. But even before I turn 18, I can communicate my convictions by living my life in accordance with deeply held beliefs. It may not be convenient or comfortable, but that's what commitment is all about. Commitment isn't a dream, a hope, or a goal; commitment is a lifestyle. And I am committed to communicating my convictions so that I can make a difference in America.

Making a difference often means creating change, the third ''C'' to which I am committed. An old proverb states, ''If you want something to change, you have to change something.'' Change is the pathway to improvement, particularly when it is enacted with purpose and principle. I am one of millions of students who have the opportunity to determine America's destiny. So, does that mean I only have a slight chance of affecting change? Not at all! One-in-a-million changes happen every day. With my commitment to America's future, I can meet new challenges, overcome obstacles and influence others for change. I am committed to change because I know that if we never change, we will never find a better way.

My final ''c'' of commitment is caring. I have committed myself to caring by visiting nursing homes, helping clean neighbor's yards, and leading children's activities at a local daycare center. The tragedy of September 11 forced citizens to look beyond themselves and the result has been a wave of volunteerism sweeping across the country. Caring for one another unifies us as Americans. Caring is the key to a strong country and I am committed to caring.

With commitment to these four C's, I can help determine America's future. I am committed to America—to its common cause, to communicating my convictions, to changing and to caring. With this fourfold commitment—these 4 ''C's'', I foresee a great future for the greatest nation on earth. That is my commitment to America's future.

HONORING DR. DANIEL BERTOCH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Dr. Daniel Bertoch, a dentist in my congressional district who routinely provides free dental services to those in his community who cannot afford them.

I met Dr. Bertoch and his staff several years ago while visiting businesses in my congressional district. Dr. Bertoch's office, located in Citrus Park, serves many of my constituents in Northwest Hillsborough County. He told me then that he believed in the importance of civic responsibility and helping those in need.

I am pleased to say Dr. Bertoch has acted on that belief. He recently invited a group of less fortunate children from the community to his office for free dental services. He and his staff (Dr. Maria Egir, Mary Anne Futch, Valera Senden, Janice Jonasson, Leigh Allen, and Maria Goetz) treated 17 children over the course of an entire day. They provided comprehensive exams to the children, gave them fluoride treatments, filled their cavities, and provided each child with a full dental treatment plan and copies of their x-rays. They also served breakfast and lunch to the group with the help of local businesses and hired someone to paint faces and make balloon animals for the children. As Dr. Bertoch said, ''a great time was had by all.''

Dr. Bertoch told me that he realizes that charity is not a health care solution. He added, however, that along with proper funding, communities can find ways to help underserved children who need basic health and dental care.

Mr. Speaker, Dr. Bertoch and his staff of caring professionals exemplify the spirit of generosity and compassion which forms our country's foundation. I am proud to know them and commend their work to our colleagues as we continue our efforts to make health care more accessible and affordable.

PAYING TRIBUTE TO TAMBOR WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Tambor Williams, and thank her for her tireless efforts serving the people of Colorado as a four-term member of the Colorado House of Representatives. Tambor will always be remembered as a dedicated public servant and leader of the community. As she celebrates her retirement, let it be known that she leaves behind a terrific legacy of dedication and commitment to the Colorado General Assembly and for the people of Colorado.

A practicing lawyer and professional mediator, Tambor has used these skills to become an efficient and effective leader in the General Assembly through her four terms of office for District 50, which serves Weld County. She serves as the Speaker Pro Tem of the House, chairs the House Business Affairs & Labor

Committee and the Legislative Audit Committee, and is a member of the House Appropriations Committee. Her excellent record in the State House has earned her the Legal Reform Summit State Legislative Award from the United States Chamber of Commerce, as well as numerous awards and recognition from Colorado businesses and organizations.

Tambor's efforts to better her community include extensive involvement with civic organizations. She is an active member of the City of Greeley Mayor's Advisory Board, a member of the Commission of Judicial Performance and member of the Weld County Local Emergency Planning Committee. Tambor's involvement also has included serving as board chair of Union Colony Civic Center, board member for Parent Child Learning Center, board member of Right to Read, and serves as post advisor for the Explorer Scouts.

Mr. Speaker, it is quite clear that State Representative Tambor Williams is a person who possesses dedication and commitment to her life long pursuit of public service. It is not only her incredible devotion, but also her passion for contributing towards the betterment of the Weld County community and the State of Colorado that I wish to bring before this body of Congress and this nation. It is my distinct pleasure to honor Tambor here today, and wish her and her husband Jim all the best in their future endeavors.

A PROCLAMATION RECOGNIZING DAVID LEE RAUCH PARKS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, David Lee Rauch Parks has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, David Lee Rauch Parks has shared his time and talent with the community in which be resides; and

Whereas, David Lee Rauch Parks has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, David Lee Rauch Parks must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 312 and David's family and friends in congratulating David Lee Rauch Parks as he receives the Eagle Scout Award.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. GUTIERREZ. Mr. Speaker, I was also unavoidably absent from this Chamber on April 20, 2004. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall votes 118, 119 and 120.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PORTMAN. Mr. Speaker, on rollcall vote Nos. 118 and 119, I was unavoidably detained at the White House. Had I been present, I would have voted ''yea'' for each bill.

HONORING ANNETTE GARNETT, JOHN THICH AND BRUCE DIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the courageous and selfless acts of three Monterey County residents currently employed at Monterey Credit Union, a local financial institution. Annette Garnett, John Thich and Bruce Din saved their fellow employees from certain danger when approached by a disgruntled and armed former employee.

On the morning of March 17, Annette Garnett, a four-year veteran of the Monterey Credit Union, was approached and threatened by Douglas Chase, a former employee that had been arrested just a day earlier on weapons charges. In an attempt to free Ms. Garnett from Chase's hold, John Thich and Bruce Din, both employed for less than a month at the time of the event, wrestled the attacker to the ground and successfully disarmed him. They were also able to immobilize Chase until police arrived to take him into custody.

I am deeply moved by the compassion and bravery these employees exhibited and I believe they should truly be heralded as heroes. There is no way of estimating the potential danger that could have incurred if the response to Chase's attack had been less effective. Mr. Speaker, on behalf of our community, I commend these three outstanding citizens for risking their lives in hope of protecting those of others.

ON THE OCCASION OF HIS EXCELLENCY PRESIDENT ZINE EL ABIDINE BEN ALI OF THE REPUBLIC OF TUNISIA VISITING WASHINGTON, DC, AT THE INVITATION OF PRESIDENT GEORGE W. BUSH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. RAHALL. Mr. Speaker, I would like to extend my most heartfelt welcome to President Zine El Abidine Ben Ali, President of Tunisia, on his visit to the U.S. on February 18, 2004. President Ben Ali has been an unstinting friend and ally in the war on terror. Thereby, he has maintained and nurtured an alliance between the U.S. and Tunisia that has existed for over two centuries, dating back to the Treaty of Peace of 1797.

It has been the hallmark of the Honorable Ben Ali's tenure as President of Tunisia, to institute meaningful and lasting reforms in several spheres. President Ben Ali has taken the lead role in the region as a consistent and ardent supporter of women's rights. His reform endeavors carry over into the area of economic modernization under the auspices of ambitious educational reform and investment in technology and infrastructure. The great people of West Virginia can certainly appreciate these advancements as they themselves continue to spearhead similar ventures through top-notch technology training institutes and initiatives.

Mr. Speaker, for all of these reasons, I am honored to welcome His Excellency President Zine El Abidine Ben Ali on his visit to the United States in order to meet with President Bush.

PAYING TRIBUTE TO MOFFAT COUNTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to Moffat County in my home state of Colorado. Recently, the United States Department of Agriculture, along with the Department of the Interior, recognized Moffat County for the excellence of its Wildland Fire and Fuel Management Plan. The County has developed an innovative approach to combating the threat of catastrophic wildfire, and I am honored to recognize its dedication to the safety of its citizens.

Over the past two and a half years, officials from Moffat County have worked in conjunction with local residents, wildfire experts and government agencies to implement a comprehensive system for hazardous fuels reduction and fire suppression. As a result of these efforts, Moffat County has created a model countywide fire plan that provides a template for the implementation of similar programs in rural communities nation-wide.

Mr. Speaker, it is my privilege to rise and pay tribute to Moffat County. The County's commitment to integrating the needs and desires of the local community into their fire planning is certainly deserving of our praise. I am proud of Moffat County and its tireless dedication to the protection and betterment of its citizens.

PUTTING PREVENTION FIRST

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the Pro-choice Caucus Co-Chairs—Congresswoman SLAUGHTER, Congressman GREENWOOD, Congresswoman DEGETTE, and Congresswoman JOHNSON for disregarding partisan lines and working together for the safety of women and to secure women's reproductive rights. I am proud to be an original cosponsor to such a comprehensive piece of legislation that does not focus on controversy but on preventive care and education.

Those who consider themselves pro-choice do not agree on many issues with those who

consider themselves pro-life. But the one thing that we both agree on is preventing women and teens from having unintended pregnancies and having an abortion. To succeed, we must provide education to young women about their bodies and about preventing pregnancies and STDs. I always say education is the key. We know that education works—rates of unintended pregnancies among teens have greatly declined as well as the number of abortions being performed. Yet, we have not done enough. In 2000, there were approximately 18.9 million new cases of STDs in the United States including an increase in HIV–AIDS.

The reproductive health of women should be a public health priority for our Nation. Although, I believe abstinence should be taught and stressed—it is not a reality for many of our young people. Family planning programs must be available to all women—young, older, poor, middle class, those with private insurance or on Medicaid. Again, I commend the pro-choice caucus for offering legislation that focuses on keeping abortion legal, safe, and rare with proper education and preventive health care services.

HONORING NOVA CHEMICALS, INC.

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Nova Chemicals, Inc., a chemical manufacturer located in Monaca, Pennsylvania, recently honored by Toyota Motor Manufacturing of North America, Inc. as a top supplier for 2003. It is truly an honor to have an industry leader in my district.

Annually, the Toyota Motor Manufacturing of North America, Inc. acknowledges those suppliers who have met their highest standards in quality, delivery, supplier diversity and value improvements for parts, materials, and transportation. Toyota is strongly committed to buying from local sources for U.S. manufacturing operations—currently, Toyota buys from 500 U.S. suppliers. By the year 2006, Toyota will have the capacity to build 1.66 million cars and trucks a year and 1.29 million engines in North America.

Nova Chemicals, Inc.'s Beaver Valley facility was recognized for both quality and delivery during this year's 2004 Supplier Awards Ceremony at Toyota's Annual Business Meeting and Awards Ceremony. Since the company's start in 1954, it has grown into a multi-billion-dollar corporation and is now North America's largest producer of polystyrene. Furthermore, Nova Chemicals, Inc. is an active participant in the local communities where their facilities are based—not only do they provide financial improvements to the communities they join but they also improve the social surrounding as well.

I ask that all the members in the House of Representatives join with me in honoring this outstanding company based within the Fourth Congressional District of Pennsylvania. I am pleased to represent this award winning chemical manufacturer.

TRIBUTE TO MS. LAUREN LINCOLN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to an outstanding, young American, Ms. Lauren Lincoln. Ms. Lincoln created, from the ground up, a Rainbow Winter Guard team for Special Olympians in Rochester, New York. This is a great accomplishment for any individual, but what makes Lauren's situation unique is she is just 16 years of age.

Lauren Lincoln, a resident of Irondequoit, New York, first developed the idea of creating a color guard after attending an exhibition by Special Olympians in Dayton, Ohio, last year. She quickly transformed this idea into reality after conversations with local Special Olympic officials. By September of 2003, the newly formed Rainbow Winter Guard was having weekly practices and on October 13, 2003, had their first official performance.

In addition to the creation and training of the Special Olympians, Lauren has managed the administrative tasks that accompany such an endeavor. She developed a budget, created a practice and performance schedule and raised monies to fund the costs of maintaining the program.

Mr. Speaker, Lauren Lincoln is one example of many exceptional youths who are displaying altruistic dedication to the public good. She is a model for all Americans and I commend her achievements.

INTRODUCING THE KNOW YOUR VOTE COUNTS ACT OF 2004

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. KING of Iowa. Mr. Speaker, I am introducing the Know Your Vote Counts Act of 2004, legislation which will amend the Help America Vote Act of 2002 to require voting systems to print a paper record for each ballot that the voter can verify for accuracy before the ballot is cast. This makes a recount possible in the event that a state determines one is needed. Without a paper trail, a recount is impossible.

Current law permits precincts to print ballots for the first time after the polls have closed. Therefore, voters might never get to see their ballots. This creates a risk that the computer record may differ from the voter's true intentions, without the voter ever knowing. Moreover, computer malfunctions or insider hacking might occur between the time of voting and printout, defeating the goal of the paper record requirement. The Know Your Vote Counts Act eliminates these possibilities by clarifying to states that a ballot must be printed at the time of each vote, thus ensuring the achievement of HAVA's goal of electoral integrity.

Electronic voting systems are supposed to increase voter confidence in election results. Without this safeguard, they seem to do anything but. A prominent fear has developed that these machines will facilitate a cyber version of dumping ballot boxes in the river. Software could be set to record votes with no regard to how the votes were actually cast. It is instructive that the Pentagon scrapped an Internet voting project because officials there determined there was no way they could guarantee that voting records could be kept secure. This issue should be a major concern for all of us.

The new Election Assistance Commission has plans to disburse $2.3 billion as early as next month to states for technology upgrades in voting equipment. Complying only with the upgrades required under current law, however, poses future problems for states. Presently, states could purchase machines without the capability of printing ballots for the voter to verify for accuracy.

States have already experienced problems that illustrate the problems created by voting machines without an auditable paper record. In Indiana, a glitch resulted in 5,352 voters casting 144,000 votes. Virginia machines subtracted votes rather than adding them to a candidate's total in some cases. In Florida, 10,844 votes were cast; candidate won by 12 votes, but there were 137 under-votes. Florida state law requires a manual recount of all under-votes in a race with this tight a margin, but no paper trail was available and the recount was impossible. A recent study of Maryland electronic voting machines found that they were all equipped with one of two locks, which keys to the other machines could open. Finally, in Georgia, on Super Tuesday, ten voting terminals were found sitting in the lobby of a Georgia Tech building unattended, in unlocked cases. These machines easily could have been altered during this time.

This legislation protects the integrity of electronic voting systems by requiring a voter-verified paper audit record for each ballot. The voter can verify the ballot at that time, and the paper record created can be used if state determines that recount is needed. To preserve ballot secrecy and prevent voter intimidation, this bill prohibits voters from copying or removing the record from a polling place. The Know Your Vote Counts Act respects principles of federalism and defers to state law, allowing states to make their own decisions about when to require recounts while preventing computer error or deliberate fraud from altering election outcomes.

This is not a partisan issue. It is an American issue. All Americans must know that their votes count. I urge my colleagues to co-sponsor the Know Your Vote Counts Act of 2004 in the 108th Congress so that we can ensure that the votes cast are the votes counted.

PAYING TRIBUTE TO SPC. JUSTIN REDIFER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, it is an honor to rise and pay tribute to an outstanding patriot from my home state of Colorado. Army Specialist Justin Redifer recently returned from serving our nation in Operation Iraqi Freedom, and in recognition of his actions, was awarded a Bronze Star with a distinction for valor. This incredible honor is a testament to Justin's courage and bravery, and I would like to take this opportunity to recognize him before this body of Congress and this nation today.

A soldier in the 244th Engineer Battalion, Justin's responsibility in Iraq was to seek out and establish temporary operating bases for American forces. This dangerous task often put Justin's detachment, based in Grand Junction, Colorado, in harms way. A few months ago Justin's unit was involved in one harrowing firefight in the City of Samarra where a group of armed insurgents in a car headed straight for our troops. As the insurgent's vehicle passed Justin's position, he shot out the back window before the car careened into an area where the unit was able to effectively contain the situation.

Mr. Speaker, it is an honor to rise and recognize the actions of Specialist Justin Redifer for his service to our nation. Receiving the Bronze Star is a testament to the bravery and courage Justin displayed while in Iraq. His selfless sacrifice to his country serves as a model for all Americans who desire to serve their country in this war against terror. Many young men and women like Justin are now serving their nation, without regard to personal safety, to ensure the people of Iraq can have the same freedoms we enjoy. On behalf of my fellow Coloradans and Americans, I wish to thank Justin for his bravery and noble service.

HONORING WHITNEY YOUNG HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Whitney Young High School of Chicago for its triumphant achievement on winning the first place title in the Illinois Academic Decathlon competition on March 13, 2004.

The Academic Decathlon is a team competition wherein students are tested through a diverse group of scholastic categories including: art, economics, essay interview, language and literature, mathematics, music science, social science and speech.

With up to nine members from each team competing in all ten events of the decathlon and representing a diversity of scholastic aptitude, the true spirit of this year's "America. The Growth of a Nation" theme has been advanced.

The decathlon, which was first created by Dr. Robert Peterson, has helped maximize the learning potential of young minds through competitive challenge. Whitney Young has repeatedly demonstrated its ability to shine among the best and brightest of Chicago's academic community.

As winners of the Illinois Academic Decathlon, Whitney Young High School will go on to represent our city and state in the national meet in Boise, Idaho. Nine of its students will compete in one of the most prestigious high school academic competitions in the United States.

I salute each of our Whitney Young High School Academic Decathlon Winners: Rachel Birkhahn-Romelfanger, Nailah Cash-Obannon, Clare Conroy, Christina Doocy, Sarah Duffy, Ikee Gardner, Lally Gartel, Deana Rutherford, Eleanor Sharp and Margaret Sharp.

Reaching this level of competition is a tremendous achievement and one that deserves special recognition. Indeed, Whitney Young students set the standard for scholastic excellence that the Academic Decathlon seeks to attain.

Mr. Speaker, I join with all residents of the Fifth Congressional District of Illinois in congratulating Whitney Young High School on its achievement. I wish the Academic Decathlon winners the best of luck at the national competition in Idaho as well as continued success as their education continues. I am very proud of these young and future leaders of tomorrow.

A TRIBUTE TO MAY MARSHBANKS OF LILLINGTON, NC

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate a public servant of the elderly in North Carolina, May Marshbanks, and her recent acceptance of the George L. Maddox Award. This award honors individuals in North Carolina who have excelled in developing and implementing creative programs for older adults. The award symbolizes years of tireless effort on the part of Miss Marshbanks to provide much needed services to the elderly populace of Harnett County.

May Marshbanks, who is eighty-six years old, has directed the Harnett County aging program for 32 years since the inception of the Harnett County Council on Aging in 1971. This marked a second career for Ms. Marshbanks, who retired as a principal from the Chapel Hill school system and moved back to Harnett County. She has been a passionate advocate for the aging and elderly ever since.

Through her pioneering spirit, Ms. Marshbanks forged a path for the Council to develop into the Harnett County Department on Aging. Today, the Department delivers a number of important programs to the elderly including minor home repair, In-Home Aid, an Elderly Nutrition Program, and the Community Alternatives Program for Disabled Adults. The Department provides legal assistance to seniors. It also offers a transportation program to provide seniors the ability to live independently and to provide them access to medical and social services.

As one colleague stated, "May Marshbanks is the Harnett County Department on Aging. The community sees her and the agency as synonymous." May Marshbanks has connected her life with others through noble causes, and her actions have effected hundreds of lives. She has provided needed services for older adults in Harnett County, informed local government officials of the needs of the elderly, and developed public and private cooperative partnerships among existing agencies and programs. I thank May for her service to the citizens of Harnett County. She truly is a compassionate person who makes good things happen.

AMUSEMENT PARK RIDE CHILD LABOR ACT OF 2004

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MARKEY. Mr. Speaker, I rise to introduce "The Amusement Park Ride Child Labor Act of 2004, an act that directs the Secretary of Labor to prohibit the employment of minors as ride operators. For the sake of both the young employees and the park patrons, who are disproportionately children themselves, the Department of Labor should recognize that operating roller coasters and thrill rides requires split-second judgments that, if mishandled, can injure both the operator and dozens of riders. Let minors take the non-hazardous jobs in our parks—let adults run the rides.

If it were ever wise to allow minors to operate amusement park rides, it is not a safe practice today. Based on the National Electronic Information Surveillance System (NEISS), the Consumer Product Safety Commission (CPSC) estimates that, nationwide, 800 employees are injured operating amusement park rides each year. This is in addition to the estimated 6,800–10,700 patrons injured on amusement park rides each year. The potential for dangerous, debilitating and sometimes deadly consequences when persons operating amusement park rides make misjudgments, either in the operation of the ride itself or in the reaction to a situation brought on by rider error or ride malfunction, is very serious.

According to the Bureau of Labor Statistics, 114 employees died while attending to amusement and recreation facilities during the 10–year period 1992–2002, and 7 of those fatalities involved children under the age of 18.

During 2001, nonfatal injuries suffered by amusement ride attendants totaled 2,475, and nearly one out of every five injuries was suffered by a child employee.

The fact is that in the past 15 years, the speed and complexity of amusement park rides has risen dramatically. All of the nation's 15 fastest coasters have been built in the last 10 years. But clearly, the margin for error is much narrower for the operator of a ride traveling at 100 mph than on a ride traveling 50 mph. People make mistakes, and the riders often act like children, because they often are children. This situation is dangerously compounded by allowing young teenagers to be put in charge of running these high-tech, high-speed machines.

The following are just a few examples of tragedies involving ride operators under the age of eighteen.

In August 1999, a 16-year-old boy ride attendant died from injuries he suffered at Lake Compounce amusement park in Bristol, Connecticut. The boy was working as a ride attendant on the "Tornado," a spinning ride more commonly known as the "Scrambler." The accident happened when the boy stepped onto the ride before it had come to a complete stop. His legs got caught underneath the ride and he was dragged until the operator activated the emergency stop. The boy was left pinned underneath the ride from the waist down. Firefighters used inflatable devices to lift the ride off of the victim. After the boy was freed, he was transported by helicopter to a

hospital, where he underwent surgery. His injuries included a head wound and broken bones, in addition to possible broken arms, dislocated shoulders, and multiple internal injuries.

In June 1997, a 17-year-old ride operator at Celebration Station in Tulsa, Oklahoma was killed while operating a swinging boat ride. The teen fell into the frame of the ride in an area underneath the boat while the ride was in motion. He was crushed and died within 15 minutes. Five children were passengers on the ride at the time of the accident. Investigators from the Oklahoma Department of Labor ruled the death accidental, saying that the ride had not experienced any mechanical failure.

In June 1996, a 16-year-old ride operator at Bonkers 19 Amusement Park in Weymouth, Massachusetts started the Mini Himalaya ride without notice. A 5-year-old girl's foot was gashed when it was trapped against the ride's track. Later that same year, in September, during the operation of the same ride by a different 16-year-old, part of the scalp of an 8-year-old girl was torn off when her hair became entangled in the motor powering the Mini Himalaya.

At least nine states have recognized that it is per se hazardous to employ children 17 years of age or younger as ride operators and have included provisions in their laws to restrict such employment. Alaska, Connecticut, Iowa, Massachusetts, Minnesota, New York, Rhode Island, West Virginia, Wisconsin all have 18-year-old age limits. Some include exemption for ''kiddie rides,'' but all have adopted state standards that make it the rule, not the exception, that minors shall not operate the vast majority of park rides in their states.

In addition, the Walt Disney Corporation has already recognized the wisdom of avoiding having youngsters placed in charge of the safe operation of their park rides. As a matter of park policy, Disney will not allow anyone younger than 18 years of age to operate a Disney ride.

The Department of Labor has jurisdiction over the safety of child amusement park employees. This legislation would be unnecessary if the DOL would simply use its existing authority to restrict this kind of employment. The Fair Labor Standards Act (FLSA), 29 U.S.C. Chapter 8, § 212, directs the Secretary of Labor to carry out the objectives of the child labor provisions, namely, to prohibit ''oppressive child labor.'' ''Oppressive child labor'' is defined by the FLSA, 29 U.S.C. Chapter 8, § 203, as a condition of employment which the Secretary finds and declares as ''particularly hazardous for the employment of children between such ages [16 and 18] or detrimental to their health or well-being.''

Under this provision, the Secretary has issued 17 Hazardous Occupation Orders restricting children from certain hazardous jobs. For example, Order 7 declares ''hazardous'' the operation of most power-driven hoisting apparatus, including nonautomatic elevators exceeding one ton, 29 CFR § 570.58. Most people would agree that an amusement park ride has all the characteristics of a ''power-driven hoist'' that lead to its designation as ''hazardous''—with the exception of the people at the DOL. With the support of the industry, the DOL has helpfully issued guidance to the public that specifically carves out amusement parks rides from this ''hazardous'' designation. It is difficult to understand how the DOL could conclude that operating an elevator is hazardous to a minor, while operating amusement park rides is not.

Due to the seasonal nature of the amusement park business, many teenagers under the age of 18 seek summer employment at the parks, something that I applaud and encourage. Most jobs at the parks have nothing to do with hazardous machinery. Teenagers can safely fill jobs such as selling tickets, waiting on tables, or guiding patrons. But when it comes to filling a job as safety-critical as the loading and operation of ride machinery, it is simply irresponsible to risk the health of the employee or the park patrons by giving such a job to a minor.

As the amusement park season commences, I urge my colleagues to cosponsor this important legislation and to help improve the safety of our nation's parks.

H. RES. 557—COMMEMORATING START OF IRAQ WAR

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor the men and women in our Armed Forces who have served and continue to serve in Iraq. Their bravery and dedication is something all Americans should admire and honor.

It is not just their martial skill and training that proved outstanding during the combat phase of the Iraq campaign, their exceptional abilities to begin the rebuilding of Iraq have been essential. Our military forces have demonstrated again and again their professionalism when faced with incredibly difficult challenges. They truly are the best in the world.

I want to also give special recognition to our citizen soldiers—the men and women in our National Guard and Reserves—and their families. For them to leave their jobs and loved ones, in many cases for more than a year, requires tremendous sacrifice and commitment. In the last year, I have been there when many of our local Wisconsin units have left for deployment and been there when many have finally returned home. When they leave, I have seen their determination to get the job done combined with great sadness about their separation from their families. When they return, I have seen their pride at a job well done and their joy at being reunited with their families. No country could be better served than we have by the members of our Guard and Reserve.

I also want to pay my respects to the ultimate sacrifice paid by the 709 military men and women who have died in Iraq and express my heartfelt condolences to their families. Each one of them is a hero. All Americans owe them a debt of gratitude that can never be repaid but must always be remembered.

We also owe a great debt to the more than 3,200 who have been wounded in Iraq. Medical advances and improved safety equipment have meant fewer deaths, but many are surviving with serious injuries. We must fulfill our commitment to caring for them, ensuring that our veterans health care system can meet their needs.

Mr. Speaker, there is no Member of this Congress who is not grateful to our soldiers, sailors, marines and airmen. No matter our positions on what the proper U.S. policies should be, let there be no doubt that we honor and appreciate their sacrifices.

It is with regret that I voted against the resolution presented to this House. I am very disappointed in the Republican leadership of this House for bringing forth a resolution under a closed rule without providing the opportunity for Democrats to participate in the drafting.

Honoring our troops should always be a non-partisan effort and should never be used as a partisan maneuver.

The resolution that came before us could have, and should have, won the backing of every Member of the House. A non-partisan resolution, drafted with input from both sides of the aisle, would have attained unanimous support, allowing the House of Representatives to speak with one resounding voice in honor of our men and women in uniform.

It is not simply the partisan nature of this resolution that caused me to vote against it. If that were my only concern, my desire to recognize our troops would have been stronger than my indignation about the means employed to do so. However, I voted against the resolution because it is being used to distract us from the very real and very important debate that we should be having about our Iraq policy and our counter-terrorism policies.

Mr. Speaker, there is a debate going on among the American people about Iraq and the war. The American people are concerned about our intelligence failures, the use of intelligence, the Administration's apparent obsession with Iraq, the failure of post-war Iraq planning, the cost of the war, the costs of reconstruction, the long-term demands on our military and how Iraq affects the war on terrorism. This Congress and this Administration has a responsibility to answer, or find the answers, to these questions. The American people deserve no less.

The American people are wondering if we are safer as a result of the war to remove Saddam Hussein as ruler of Iraq. This is a difficult question to answer, and to be quite frank, I don't know. But it is a question that is important to ask. And it should not be dismissed with an ''of course'' or the suggestion that anyone who thinks we may not be safer is unpatriotic or would be happy if Hussein were still in power. We must draw an important distinction between the following questions: Is Iraq better off? Is Iraq less of a security threat to the United States? And, is the United States safer as a result of the President's choice to go to war in Iraq. I believe the answer to the first two questions is yes. However, it is the final question that is by far the most important.

On September 11, 2001, the United States was attacked by Al Qaeda, an international terrorist group that was then based in Afghanistan with the support of the Taliban regime. Military action against Al Qaeda and the Taliban was widely supported by Americans, including me, to hunt down the perpetrators of 9–11 and eliminate their ability to operate in Afghanistan. We were joined by numerous countries who understood that the fight against Al Qaeda was their fight too. The initial phases of that campaign were successful in shutting down their training camps, capturing or killing many of their members and

deposing the Taliban. Like in Iraq, our military men and women performed exceptionally well.

But the victory in Afghanistan is not complete. Just last month, we launched, with Pakistan, another military initiative to find additional Al Qaeda forces hiding out in the mountains of eastern Afghanistan and western Pakistan. Security in Afghanistan is largely absent outside of Kabul and traditional tribal leaders and warlords have real control over most of the country. Scheduled elections may need to be postponed because of the inability of the international community to register voters in the countryside due to lack of security. Opium production is reaching record new levels. Our job in Afghanistan is clearly not done.

Our national security officials cannot focus on an infinite number of problems at once. There are only so many hours a day for the National Security Advisor, Secretary of State, Secretary of Defense and other top officials to do their work. They can't focus on everything and must make choices. There can be no doubt that Iraq required an incredible amount of time and resources in order to succeed. What is the opportunity cost? I fear that part of the reason for the slow progress in Afghanistan is the result of diversion of resources and attention to the invasion and reconstruction of Iraq.

The commitment of time, money and resources to Iraq has also impacted our homeland security. The war, occupation and reconstruction costs in Iraq are likely to exceed $250 billion. That is a huge expenditure. By focusing our scarce resources during an economic downturn on Iraq, much less has been available to fund our first responders and protect our country.

A recent independent review of our homeland security efforts by the Century Foundation found major deficiencies. Their Homeland Security Report Card clearly indicates that a safer America will require significant improvements by the Department of Homeland Security. While there have been successes in passenger screening, the air marshall program and infrastructure analysis, this report highlights serious and disturbing shortcomings that leave Americans vulnerable. Protecting private planes, securing air cargo, providing funding for first responders, and better immigration oversight are critical to our security. It is disappointing to find that, according to the Century Foundation's report, in these areas we may be worse off than before September 11.

Mr. Speaker, this Congress needs to stop focusing on rhetoric about Iraq and begin to focus on the facts. We need to spend less time trying to portray loyal Americans as soft on terrorism because they raise questions and want to debate the most effective ways to prevent terrorism and protect Americans. A full and healthy national debate, in Congress and around the country, will not weaken our resolve, it will strengthen us. Building a consensus policy to combat terrorism will allow us to move forward united. A consensus policy will reduce friction about dedication of resources and will allow us to sustain a consistent policy for the duration of our fight against terrorism. That is the debate we should have had. That is the debate our country needs to have.

NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BOEHLERT. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases, which affect as many as 50,000 people in the United States.

I am familiar with primary immune deficiencies because of a family in my district, the Driscolls. Kerstin and Dean Driscoll are from Greene, NY and have two sons who were born with an extremely rare PIDD called X-Linked Agammaglobulinemia, or XLA. Zack, 11, and Alex, 9, are confronting XLA head on. XLA is a genetic disorder that prevents production of B-cell antibodies that fight infection. When Zack was 3 years old and Alex only 9 months, they suffered chronic ear and sinus infections. Their recurring illnesses remained a mystery to their parents and doctors, until tests were done to confirm that the boys had primary immune deficiency diseases.

Soon after their diagnosis, Zack and Alex were treated with an immune globulin infusion (IGIV), which is prepared from the plasma of many blood donors, to support their immune systems. Zack and Alex receive their IGIV infusions once every 3 weeks and the infusion takes approximately 4 hours.

Zack and Alex are lucky because their primary immune deficiency disease was diagnosed early. However, despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses.

Mr. Speaker, the Driscolls face their sons' PIDD head on, by becoming active with the Immune Deficiency Foundation. Therefore, I commend the Immune Deficiency Foundation for its leadership in this area and I am proud to join them in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

COMMEMORATING HOLOCAUST REMEMBRANCE DAY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. FROST. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, and pay my respects to the innocent people who died at the brutal hand of the Holocaust.

An anniversary like this is often filled with mixed messages of hope and sorrow, pain and promise. While these words contradict each other on paper, they live together in our hearts and minds on a day like today.

The emotions of sorrow and pain are easy to feel. By the time World War II was finished, 6 million Jews died for no reason. Countless families had been torn apart, Europe was virtually demolished, and the horrors of the Nazi regime were scarred into the minds of the entire civilized world. Looking at this tragedy, it is easy to see only bad things. It is easy to view the worst in people.

But, it was difficult, impossible in fact, to stop the world from denouncing these atrocities, and saying, "Never Again." Human-kind had the hope and promise to try to make this world better—to try to make this world more understanding and open.

The world has come a long way since the darkness of the 30's and 40's. In the almost 60 years since the Holocaust ended, we have become a more open and understanding society. But, our quest for a better world is constantly battling hate, discrimination and anti-Semitism.

We all know the violence that is carried out by those who hate. But, I also know that if our ancestors could get through World War II and the Holocaust, we can survive our own battle against hate and terror, and make the world safer for our children.

Mr. Speaker, Yom Hashoah serves as a memorial to those who both survived and lost their lives from the Holocaust. Let it also be a day to reaffirm our commitment to the values that won . . . love, honor and respect.

PAYING TRIBUTE TO PFC. CHANCE PHELPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Private First Class Chance Phelps, who honorably devoted his life to defending the freedoms of our nation. A member of the 3rd Battalion, 11th Marine Regiment, 1st Marine Division, Chance was recently killed while defending the freedoms of the Iraqi people in Ramadi, outside of Baghdad. His story is one of honor, selflessness and sacrifice. As we mourn the loss of an American patriot, I think it is appropriate to call the attention of this body of Congress, and our nation, to the sacrifice that Chance made on behalf of a grateful nation.

A tall and athletic nineteen-year-old, Chance attended Moffat County and Palisade high schools where he was known for his fun-loving nature and being an avid outdoorsman. He came from a family with a rich military tradition, his father John being a Vietnam veteran, and his sister Kelley working at the Pentagon. After the terrorist bombings of 9–11, Chance knew that he had to do something for his nation, and resolved to join the Marines. As a dedicated member of our armed forces and as a patriot, he answered the call of duty, embarking on a journey to defend freedom and independence.

Mr. Speaker, Private First Class Chance Phelps will be sorely missed, and although we

will grieve over the loss of this incredible individual, we can take comfort knowing his sacrifice was made while fulfilling his dream of serving our nation. I would like to extend my heartfelt respects to his family and friends as they mourn his passing. It is my honor to pay tribute to the life of Chance Phelps before this body of Congress and this nation.

A TRIBUTE TO CANTOR BARRY REICH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LANTOS. Mr. Speaker, I am delighted to honor and pay tribute to Barry Reich, the Cantor at Peninsula Temple Shalom of Burlingame, California, located in my Congressional District. Cantor Reich, who received his Hazzan Minister Commission in 1979 from the Cantor's Assembly of the Jewish Theological Seminary, is not merely a Cantor, but a multi-talented musician who has used his talents to affect the lives of thousands of people.

Cantor Barry Reich was born in 1948 in the Boyle Heights neighborhood of Los Angeles, California, where he came from a long line of cantors. His father was a renowned cantor, and at the time of Barry's birth was the Cantor at the legendary Breed Street Synagogue. As one would imagine, Barry was immersed in world of music and religion as cantorial music from record players and music books could be heard and seen throughout the Reich home.

From a very young age it was obvious that Barry possessed extraordinary talents. In fact, Mr. Speaker, at the young age of five, Barry sang a solo during the High Holiday service of Slichot with such mastery that when he was finished the entire congregation congratulated him. This wonderful performance had the unintended consequence of Barry upstaging his celebrated father, who had to wait out the hosannas before he could continue the service which was supposed to begin immediately afterwards. Another indicator of his magnificent musical talents was shown when Barry, then only 8 years old, joined the Breed Street Synagogue Choir as its youngest member. He was aided by the fact that his father, the Cantor was in desperate need for a soprano vocalist and Barry was a wonderful soprano.

When the Reich family moved to Florida when Cantor Reich was offered an important position at Temple Emanuel of Miami Beach, Barry continued his musical education on the East coast where he attended the Frost Conservatory of Music. It was in Florida that Barry met Harry Volpe, a widely renowned guitarist, who Barry credits with being the single biggest influence on his musical direction.

By the time Barry was ready to attend high school his family, which had expanded to include his brother Brian, had returned to Los Angeles. After graduating from Lincoln High School, Barry Reich went on to study at the San Francisco Conservatory of Music and San Francisco State College, where he earned his Bachelor of Music Degree.

Mr. Speaker, it was while he was in college that Cantor Reich's future employer, Peninsula Temple Shalom's Rabbi Gerald Raiskin first heard Barry Reich. When the then future cantor was performing at an Israel Bonds rally. Rabbi Raiskin, who knew Barry's father, was so impressed with the eighteen year old Barry that he called Barry's father to request that Barry audition to be the cantor at Peninsula Temple Shalom. Since that fateful day, thirty-six years ago, Barry Reich has been the Cantor of Peninsula Temple Shalom and has become part of the fabric of the synagogue. By his own estimates he has prepared over 1500 youth for their Bar or Bat Mitzvah with his trademark passion and innovative approach to music and education.

Mr. Speaker, Cantor Barry Reich has poured his heart into to his cantorial work and has generously shared his talents with many, passing on his passion of music onto numerous persons. He is most deserving of this tribute and our praise, and I urge all of my colleagues to join me in honoring a great man, an excellent musician, and an extraordinary Cantor.

THE DANGER OF THE CHAVEZ REGIME TO HUMAN RIGHTS AND HEMISPHERIC PEACE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about the deterioration of democratic institutions in Venezuela under Hugo Chavez and the need for immediate international action.

Under Hugo Chavez, Venezuela is becoming a cancer in the Americas. As Chavez seeks closer ties with the tyrant Castro, and other totalitarian regimes, the rule of law in Venezuela is eroding, human rights abuses are on the rise, and ties with terrorists are continuing.

The community of nations can no longer remain impassive as freedom loving Venezuelans are trampled on by the Chavez regime. At this moment in time, the countries of the Western Hemisphere must take a stand for freedom, and support the immediate approval of the recall referendum on the tenure of Chavez.

Why is immediate international action needed? Under the OAS agreement of May 2003, the recall referendum must occur before August 19, 2004 if the Chavez regime is to be removed from office before January 2007. If the referendum is held after August 19, 2004, and Chavez is removed from office by the Venezuelan people, then his appointed Vice-President would serve the remainder of his term. The Chavez regime will then have been removed from office but allowed to retain power. This would be a tragedy for the Venezuelan people.

If the referendum is held before August 19, 2004, and Chavez is ousted by the Venezuelan people, then there will be a special election 30 days later to elect a new President. Under the OAS agreement of May 2003, after the recall is certified and approved, the recall referendum must be held within the next 97 days. If Chavez is to be held accountable to the democratic will of Venezuela, then the recall must be approved by the second week of May.

The community of democracies must not allow Venezuela to become the next totalitarian state in the Western Hemisphere. Though Venezuela has been moving steadily towards a dictatorship, we must not allow the slow pace of repression to shield us from the reality of a Chavez regime with tyrannical intent.

Today and everyday we must extend our solidarity to the freedom loving people in Venezuela. We must bring an international spotlight and coordinated pressure on the recall process and Chavez' delaying tactics. It is my belief that the longer the international community passively observes the erosion of rights in Venezuela, the more probable dictatorship becomes. We cannot practice the politics of appeasement in Venezuela. We must practice the politics of solidarity and put pressure on the regime to ratify the recall signatures before the regime runs out the clock and retains two more years to wrap the rope of dictatorship around the necks of all Venezuelans.

HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to honor the memory of the more than six million Jews who died in the Holocaust. Among those that were killed were women and men, adults and children, young and old. They were killed not for committing heinous crimes, but because of their religion. The Nazis seized their homes and murdered them in the gas chambers of Treblinka and Auschwitz-Birkenau. Those who were not killed were worked until their bodies could no longer withstand the torture. Today, we remember all that they accomplished and the potential that remains unfulfilled. We also remember those whose lives were forever changed as a result of the Holocaust.

If you read towards the end of Jewish prayer services, you will find the Mourner's Kaddish. Although the Mourner's Kaddish does not speak of death, it has been interpreted to talk about the greatness of God and the desire for peace: peace between nations, peace between individuals, and peace of mind.

Unfortunately, the world in which we live is not one of peace. Every day, many Jews around the world face the injustice of anti-Semitism. Spurred on by propaganda and regimes that seek no less than the destruction of the Jewish people, anti-Semitism is gaining support around the globe. As we continue with the war on terror, let us remember those who have died and those who continue to be persecuted just because of their religion.

On this day, Yom Hashoah, we remember the more than six million Jews who died in the Holocaust and in the tradition of the Mourner's Kaddish, work for peace among nations, among individuals, and for peace of mind.

TRIBUTE TO LT. COL. WAYNE POTTER, VOLUNTEER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a man who selflessly dedicated his

life to aid those who need it most. Wayne Potter of Harlingen was a man who went to great lengths to improve the community.

He took the time to volunteer. Even when his health was failing, he still found the time and energy to keep up with what was so important to him: his mission of volunteering. His life was an example we should all aspire to emulate.

Mr. Potter aided those patients who are mentally ill. He also served as volunteer board member of the Family Crisis Center, the Public Library, the Retired Teachers Association and the Rio Grande Valley Museum.

As a public official he was Harlingen City Commissioner and served a term as Mayor Pro Tem. His presence and his energy in the community have been sorely missed since we lost him last year.

Wayne Potter was a philanthropist for his country, his fellow teachers, neighbors and friends. As a math and science teacher, Mr. Potter ensured children's concerns were not overlooked; he served as a mentor and counselor to them in their time of need. During War World II when his country was in need, he enlisted in the United States Air Force, attaining the rank of Lt. Colonel.

Mr. Potter's service and volunteer efforts are greatly missed in The Rio Grande State Center. Since the center opened its doors, Mr. Potter volunteered his time and served as an officer of the organization. By the time of his passing, he had given 20,000 hours of his personal time to others. Mr. Potter leaves a legacy we all admired; as the Good Book says: "It is better to give than to receive." That's how Wayne Potter lived his life.

Mr. Speaker, the volunteering community of South Texas will honor Mr. Potter's memory and lifetime of service by naming the 55-bed mental health unit at the Rio Grande State Center the "Wayne Potter Memorial Building." His volunteering efforts will now live on through his name on the Center, which was so important to him, and his spirit of generosity.

I ask my colleagues to join me today in commending the life and service of Mr. Wayne Potter, and in paying tribute to this great example of a man whose efforts and dedication made a difference in his community, with his students, and in the lives of those less fortunate than most of us.

HONORING JASON DEDWYLDER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, a dedicated member of my staff has moved on to another phase of his career here in Washington DC, but I would like to take a moment to honor his service to my office and to the people of my district in Mississippi.

It was the Summer of 1998 when Jason Dedwylder first joined my team as an intern. Showing hard work, the will to learn and initiative, he came back to my staff in the Fall of 2000 to serve first as a Legislative Correspondent and then my Legislative Assistant. He worked on many issues in my office, but I am especially proud of the work he did in education and health care.

He assisted schools and Head Start centers in my district secure greater funding. He helped shepherd teachers and principals through the No Child Left Behind reforms. When my constituents called and wrote with questions about our nation's education priorities and how our policies would impact Mississippi, Jason was always ready to discuss their concerns and answer their questions.

Jason worked many hours with me on the Energy and Commerce Committee as we crafted the landmark Medicare Act of 2003 that provided a prescription drug benefit to America's seniors. He was there as we introduced our provisions early in the process that addressed the needs of Mississippi's rural health providers to treat seniors who could otherwise not seek medical care. He was there while we built a self-injectible pilot program to reduce the costs to the Medicare system by expanding choice for seniors with afflictions like arthritis. He was even there that night when we finally passed the Medicare Act. I walked out of the Capitol that morning with Jason as the sun rose on a new day for American seniors.

Quitman—Jason's hometown in Clarke County, Mississippi—should be proud of him. He graduated from Quitman High School and then after earning a Bachelor of Science in Political Science at Mississippi State University, he came to Washington DC and made an impact not only on his family and friends back home, but on Americans across the nation. He learned the intricacies of policy and politics and added to his education a Masters in Public Policy from The George Washington University.

As Jason moves into the private sector, our office will miss his experience, knowledge, and skills, but I know he will continue to work for smart, positive policy that will benefit our nation.

Jason Dedwylder left a formative mark on the shape and operation of my office. We will not forget his good nature and considerate dedication to his work. I thank him for his service to this office and to Mississippi.

INTRODUCTION OF A BILL TO MAKE IMPROVEMENTS TO THE RESERVE G.I. BILL

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LoBIONDO. Mr. Speaker, as the largest mobilization of National Guard and Reserve troops since World War II continues, the high operations tempo is undoubtedly taking a toll on members and their families. Through March of 2004, 363,000 reservists have been mobilized in support of Operation Enduring Freedom and Operation Iraqi Freedom. This new operations tempo reality for the Reserve components has altered perceptions of what it means to serve as a Reservist or National Guardsman, while raising serious questions about how Reserve members are compensated in terms of benefits. If the nation is to rely on the Reserves to assume a similar role to our active duty troops in military operations, then it is essential that Reserve compensation and benefits adequately reflect that new role.

Congress has become increasingly sensitive to the needs of these servicemembers and their families and I am heartened that we have improved Reserve component benefits in several areas. Unfortunately, education benefit shortfalls for reservists have not drawn the attention they should, as one benefit that has been left behind is the Reserve Montgomery GI Bill.

When the modern Montgomery GI Bill was established in 1985, Guard and Reserve GI Bill benefits were set at 47 percent of active duty benefits. For every $100 that an active duty servicemember or veteran received in GI Bill benefits, a Reservist would get $47. This ratio continued until the late 1990s, when Congress improved the active duty Montgomery GI Bill through large increases. Our active duty servicemembers have more than earned this improved educational benefit, but no similar major increases have been made for the Reserve program.

As a result, Reserve MGIB benefits have slipped to 29 percent of active duty GI Bill benefits. This is simply unacceptable and with over 350,000 Guard and Reserve members having been mobilized in the last 2 years, and many thousands more scheduled for deployment to Afghanistan and Iraq, it is well past time to fix this problem. We must not leave our citizen-soldiers behind as they go into harm's way to fight the Global War on Terrorism. Helping them transition back to civilian life by improving their educational benefits will be one important way we can help.

Today, I am introducing legislation, along with Mr. MCINTYRE of North Carolina, which will increase the Reserve GI Bill to 50 percent of the Montgomery GI Bill over a 5-year period and then keep it linked to the Montgomery GI Bill at the 50 percent rate. This bill, the LoBiondo-McIntyre Reserve GI Bill Improvements Act of 2004, would also authorize Reservists who serve on active duty for 24 months during a 5-year period to qualify for benefits under the Montgomery GI Bill program, which is now open to only active duty personnel. This is a fiscally responsible way to make an achievable increase in educational benefits for the Reserve component.

The 253rd Transportation Company out of Cape May Court House, New Jersey, in my district has just returned from over a year in Iraq as part of Operation Iraqi Freedom. We are very proud of the 253rd and the great contributions they have made to the Global War on Terrorism. I dedicate this legislation to all the National Guardsmen and Reservists from the Second District of New Jersey and to the thousands of other Reserve component soldiers, sailors, airman, Marines, and Coast Guardsmen who secure our freedom through their dedicated service to our nation.

I strongly urge my colleagues to support this legislation.

FREEDOM FOR PEDRO ARGÜELLES MORÁN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker I rise today to speak about Pedro Argüelles Morán, a prisoner of conscience in totalitarian Cuba.

Mr. Argüelles Morán is a member of the Cooperative of Independent Journalists and the

Cuban Committee for Human Rights. He is an independent journalist who has contributed to CubaPress, Cuba Free Press and Nueva Prensa, all publications who seek to expose the nightmarish reality imposed by the totalitarian regime.

Because Mr. Argüelles Morän fought to expose the truth about the ruthless dictator's politics of fear and repression, he has been constantly harassed by Castro's thugs since 1997. According to Amnesty International, the harassment Mr. Argüelles Morán has endured includes threats, warnings, and detentions in the totalitarian gulag. On January 15, 1999 he was summoned to appear before a chief of the so-called Revolutionary National Police where Mr. Argüelles Morán was found to be a ''danger'' because he didn't work for a state enterprise. On January 27, 1999 he was locked up for two days to prevent him from covering the birthday celebrations of Jose Marti on January 28.

On March 20, 2003, as part of the totalitarian regime's ruthless crackdown on pro-democracy activists, Mr. Argüelles Morán was arrested and, after a sham trial, sentenced to 20 years in the totalitarian gulag. According to CubaNet, Mr. Argüelles Morán has been confined in a security cell with inmates held for common crimes who are mistreating him. He also reportedly has kidney problems. Let there be no doubt, Mr. Argüelles Morán has been ''sentenced'' to 20 years in Castro's violent, inhumane totalitarian gulag because he believes in, and wrote about, freedom, democracy, and human rights for the people of Cuba.

Mr. Speaker, Mr. Argüelles Morán is languishing in the deplorable, inhuman conditions of Castro's totalitarian gulag, simply because he wrote the truth about the tyrant's repressive regime. My Colleagues, we must demand the immediate release of Pedro Argüelles Morán and every prisoner of conscience in totalitarian Cuba.

REGARDING THE PROPOSED PLAN TO REUNIFY CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. MALONEY. Mr. Speaker, as co-chair of the Congressional Caucus on Hellenic Issues, I rise to express my deep concerns with the final Annan plan to reunify Cyprus which will be voted on by both the Greek Cypriots and the Turkish Cypriots on Saturday.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. It is truly one of my greatest pleasures as a Member of Congress to participate in the life of this community, and the wonderful Cypriot friends that I have come to know are one of its greatest rewards.

Along with these friends, I have been monitoring the negotiations to reunify Cyprus very closely during the past few months. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

Last month, 46 members of the Hellenic Caucus joined in a letter to Secretary of State Colin Powell and UN Secretary General Kofi Annan to express their hope that any agreement to reunify Cyprus would explicitly recognize, among other provisions, property rights, the demilitarization of Cyprus, the establishment of the legal obligations of the guarantor powers (Turkey, Greece and the United Kingdom), and the presence of United Nations troops throughout a transitional period.

I also led a delegation of members of the Hellenic Caucus to meet with Secretary General Kofi Annan to discuss the negotiations regarding the reunification of Cyprus before it enters the European Union on May 1st. We expressed our support for the Secretary General's leadership in bringing the parties to the bargaining table, but expressed concerns regarding some of the issues that remained open: property rights, governance, free movement between Greek and Turkish areas of the island, and the pace of demilitarization of the island.

We stressed the importance of having a central government that has the ability to make decisions, and we expressed concern about limitations on the ability of Cypriots to travel unimpeded to all areas of the island.

Unfortunately, the negotiators were unable to reach a consensus, and Secretary General Annan was forced to step in to fill in the remaining gaps in the settlement. This final plan will now be voted on in two separate referenda by both the Greek Cypriots and the Turkish Cypriots on Saturday, April 24.

The Greek Cypriots, who have worked continuously to end the forcible division of the island through a viable and lasting settlement, have several valid and important concerns with this final plan, which may lead them to reject it.

First, the Annan plan allows the indefinite presence of Turkish troops in Cyprus with a gradual decrease to 650 troops over a period of 14 years. The presence of these troops will prevent the full and genuine independence of Cyprus.

Next, while the plan allows the guarantor powers (Turkey, Greece, UK) to intervene unilaterally to preserve the ''constitutional order'' of the United Cyprus Republic and its constituent states, it neglects to clarify that the Treaty of Guarantee does not empower military intervention. This omission is troubling especially because Turkey believes that it still has the right to intervene militarily in Cyprus.

Previous UN Security Council resolutions called for the withdrawal of all settlers from Cyprus that were brought from Turkey after 1974, since the colonization of occupied territories is a crime under international law. The final plan provides that 45,000 of the settlers will automatically become citizens of the United Cyprus Republic. It also allows a large number of additional settlers to remain in Cyprus as permanent residents and after four years to apply for Cypriot citizenship. As a result, the vast majority of approximately 115,000 Turkish settlers, who are now illegally in Cyprus, could stay in Cyprus.

Under the Annan plan, for the first 19 years or until Turkey's accession to the EU, the number of Greek Cypriots who wish to permanently live in the Turkish Cypriot Constituent State (TCCS) will not be able to exceed 18 percent of its total population. After that time, their number will be permanently restricted to not more than 33.3 percent of the total population. Because the Greek Cypriots who will be permanently living in the TCCS will have its internal citizenship status, they will not have the right to participate in the elections for its 24 representatives in the federal Senate. Therefore, the plan establishes a system based on permanent ethnic division, while denying fundamental democratic rights to a segment of the population.

Finally, according to the Annan plan, the one third of the compensation to legal owners (Greek Cypriot refugees), who will be losing their properties, shall be guaranteed by the Federal State. Because the Federal State's sources will derive from Greek Cypriots by nine tenths and only by one tenth from Turkish Cypriots, the Greek Cypriots will be compensating their own loss of property. Therefore, instead of Turkey, they will be paying for the results of the Turkish invasion of 1974.

It is clear that divisions among people create harmful, destructive environments. I am disappointed that more progress was not made on these issues prior to the completion of the final plan. No matter what the Greek Cypriots decide on April 24, I will continue to support them in every way possible.

COMMENDING LOPEZ LOBOS, TEXAS CLASS 4A STATE SOCCER CHAMPIONS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to commend the Brownsville, Texas, Lopez High School Lobos for their victory last weekend at the Class 4A State soccer championship, winning the game 2–1 and finishing their season at 25–4–1.

No team is greater than the student body and parents who support them, and that was Lopez' not-so-secret weapon. Over two-thirds of the crowd was there to support the Lobos, and their chants of ''Si se puede'' (we can do it) inspired this victory.

Lopez High School brought home to Brownsville the first championship title in UIL soccer. To find Brownsville teams that won State titles, you have to go back to 1985 and 1967 (both were cross country championships).

Lopez won seven playoff games for the right to compete for the State championship. Awful weather even played a part in the tournament. The title match was originally scheduled for the week before, but heavy rain and lightning postponed the championship game to another site and another time.

As any athlete can tell you, the rhythm of your game is a large part of the overall effort, and being mentally prepared for a game on a certain date—then having to postpone the game—can play havoc on your rhythm. But not for these young athletes; for them it did not matter that their shot at the title was postponed for a week. They redoubled their efforts

and practice . . . and played with purpose, endurance and confidence.

Lopez High School Principal Maggie Gutierrez summed up the lessons for the team to learn in this sweet victory. ''This team has a spirit of never giving up no matter what,'' she said. ''Lopez Lobos are born to succeed, and no one else will tell them any different.'' These athletes learned an important lesson in this championship: They are absolutely capable of doing great things; my prayer is that their imaginations will be their only limits in this world.

I offer my proud congratulations to each member of the team, to the coaches and their assistants, to the parents who must endure the practices and the injuries, and to the principal and teachers who set the example of combining education and athletics. Mostly, I want these young people to understand that they won far more than the respect that comes with a championship . . . they now know that dreams can come true.

Mr. Speaker, I ask my colleagues to join me in offering our best wishes to the Lopez High School Lobos for their hard-fought and well-deserved victory at the Texas Class 4A State soccer championship.

RECOGNITION OF LAWRENCE ROBERTS

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, I would like to salute a student at Mississippi State University who has demonstrated athletic excellence this year and distinguished himself in the ranks of college basketball not only in my state, but across the country.

Mississippi State's SEC Player of the Year, Lawrence Roberts, is the first Bulldog player since Rickey Brown (1979–80) to average a double-double for an entire season. Roberts completed the 2003–04 campaign as the SEC's No. 7 scorer (16.9 points per game) and second-leading rebounder (10.1 rebounds per game). Roberts also finished the year ranked fifth in the league in field-goal percentage (51.9%). With an SEC-leading 16 double-doubles on the season, the 6-foot-9, 235-pound Roberts ranks fourth nationally among active NCAA Division I players with 38 career double-doubles. The former University of Baylor transfer and Houston, Texas native has averaged 16.3 points (1,400 career points) and 9.5 rebounds (821 career rebounds) per contest during his three-year, 86-game collegiate career.

This season, Roberts helped lead Associated Press SEC Coach of the Year Rick Stansbury's eighth-ranked Bulldogs to a 26–4 overall record and league-best 14–2 SEC mark en route to claiming the school's first outright SEC regular-season championship since 1962–63. This year's State squad also made school history by appearing in a fourth consecutive postseason tournament and earning a third straight NCAA Tournament berth.

Roberts' teamwork benefited the entire Bulldogs squad. But his skill on the court distinguished him individually, and he has been recognized for his achievements. The accolades continue to roll in.

In addition to being named the SEC Player of the Year, Roberts is the first Associated Press All-American First Team selection from a Mississippi Division I school since fellow Bulldog Bailey Howell in 1958–59. In addition to earning a slot on the gold standard of postseason teams, Roberts has also garnered first-team all-America recognition this season by both the National Association of Basketball Coaches (NABC) and United States Basketball Writers Association (USBWA).

He adds first-team national honors by the Sports Illustrated.com and College Insider.com Web sites as well as by the Adolph F. Rupp Award committee. Roberts has also collected second-team all-America accolades by the Basketball Times publication and ESPN.com.

Roberts has been named a top five finalist for the 28th Annual John R. Wooden Award along with Stanford's Josh Childress, Chris Duhon of Duke, Jameer Nelson of Saint Joseph's, and Connecticut's Emeka Okafor. Roberts becomes Mississippi State's first-ever Wooden Award All-American, which dates back to the 1976–77 hoops campaign.

Bulldog fans will wait till mid-June to see whether Roberts will return for his senior year or enter the NBA draft. This young man has time to make that decision and consider his opportunities, but fans in Mississippi will be watching him either way, either on the collegiate court or in the professional arena.

THE PASSING OF LARISA BOGORAZ

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. SMITH of New Jersey. Mr. Speaker, on April 6 of this year, one of the true giants of the Soviet and Russian human rights movements, Larisa Bogoraz, passed away.

Born in eastern Ukraine, Larisa Iosifnova Bogoraz was by profession a linguist. In 1950, she married the writer Yuli Daniel who, together with Andrei Sinyavsky, was subsequently arrested by Soviet authorities in 1965 for publishing their stories abroad. This trial, marking the first prosecution of Soviet writers for their literary activities since the time of Stalin, gained international attention and laid the groundwork for the Soviet human rights movement.

Daniel and Sinyavsky were convicted by a kangaroo court and sentenced to long terms in a Soviet labor camp in the Mordovia region. Traveling to visit her incarcerated husband, Larisa Bogoraz met relatives of other political prisoners. Soon she was deeply involved in drafting and distributing petitions calling upon the Soviet Government to observe the basic civil liberties enumerated in the 1936 Soviet constitution.

In early 1968, Larisa Bogoraz joined Pavel Litvinov to produce a petition addressed to the international community and protesting the trial of dissident Alexandr Ginzburg, who had compiled the well-known ''White Book'' on the trial of Daniel and Sinyavsky. In August of that year, when, as Ludmilla Alexeyeva wrote so eloquently, ''the Politburo decided to 'strengthen peace' by invading a sovereign country,'' Larisa and six other brave souls met on Red Square and unfurled banners in defense of Czechoslovakia and condemnation of the crushing of ''Prague Spring.'' For their noble efforts, they were arrested by the KGB, tried, and convicted of ''slander'' against the Soviet Union. Bogoraz was sentenced to 4 years of internal exile in the Irkutsk region of eastern Siberia, where she worked in a wood-processing factory. In a show of solidarity and respect for her, Larisa's dissident friends combined their resources and bought her a house to live in while she served her exile term. When she completed her sentence, she sold the house and gave the proceeds to a fund for political prisoners.

By 1976, she was back in Moscow actively involved in the compilation of the ''samizdat'' publication ''Memory'' dedicated to chronicling the repressions of the Stalin era.

Meanwhile, personal tragedy struck. Lansa's second husband, Moscow Helsinki Group member and political prisoner Anatoly Marchenko, died of a hunger strike in Chistopol Prison in December 1986. The Helsinki Commission, which I am proud to chair, had raised the Marchenko case on several occasions, and the late Warren Christopher, our head of delegation at the CSCE meeting in Vienna, led a moment of silence in memory of Mr. Marchenko. The Soviet and East German delegations walked out in protest, but a few weeks later Dr. Andrei Sakharov was released from his Gorky exile, and in February 1987 General Secretary Gorbachev initiated the wholesale release of Soviet political prisoners.

After the fall of the Soviet Union, Larisa Bogoraz continued her involvement in human rights activity, working with her colleagues from days past as well as a new generation of activists from Russia and the newly independent countries of the former Soviet Union.

Mr. Speaker, in its eulogy to this dissident heroine, the Ryazan Memorial Society writes, ''. . . texts that were signed 'L. Bogoraz still remain,' and our children will learn from them.''

So might we all.

TRIBUTE TO DR. JOHN S. BURD, PRESIDENT, BRENAU UNIVERSITY

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. DEAL of Georgia. Mr. Speaker, I rise today to address the House to honor a pioneer and friend within the higher education arena of Georgia. It is with immense pride and a great honor that I pay tribute to a man that has made similar contributions to our region, but in the higher education arena. Please join me recognizing a friend and a community servant, Dr. John S. Burd, as he retires as president of Brenau University in Gainesville, GA.

Since donning the mantle of president of what was then known as Brenau College in 1985, it could be argued that Dr. Burd has accomplished more in under twenty years than all previous presidents did in the first 107 years of this fine institution's history. Since he first assumed office, his vision of private liberal arts higher education, his dedication, hard work, personal sacrifice, and love of the arts have transformed the college into a nationally recognized university and enhanced the lives

of thousands of children and adults of all ages. This multifaceted institution has flourished academically, by student enrollment, by improved facilities, and economically.

In one of his first acts as college president, Jack Burd created the State's very first weekend college in 1986, enabling thousands of returning adult students an opportunity to advance their education and their career potential at Brenau. Just about every college and university in Georgia now emulates this educational model. In 1993, under Dr. Burd's leadership, Brenau College became Brenau University to more accurately reflect the comprehensive nature of the institution. Now graduate programs serve educators and business leaders in management, accounting, and healthcare, continuing education programs engage retired adults, and traditional and nontraditional scheduling formats serve a local, regional, and worldwide student population. And to even further extend the university's outreach, Dr. Burd created the Online College in 2001. This unique institution now includes the Women's College, the Evening and Weekend College, the Online College and Brenau Academy.

Jack Burd's greatest accomplishment may be that he was able to preserve the 125-year-old heritage and legacy of Brenau's original mission, which is the Women's College. At one time there were two-hundred plus women's colleges across the United States. Today there are only sixty-eight. According to the Women's College Coalition, the decline is despite evidence that proves going to a women's college greatly increases the chances that a woman will become a leader, that she will become a scientist or elected official and that she will keep her sights high. Brenau women are leaders in their chosen professions and in their communities.

Under Jack Burd's leadership, the arts assumed center stage at Brenau. The Permanent Art Collection, now one of the fastest growing collections of any college in the United States, boasts more than 1,200 pieces with such names as Renoir and Lichtenstein. Nationally and internationally acclaimed artists exhibit regularly at Brenau with works seldom seen outside New York or Los Angeles. School children by the thousands come to view exhibits and experience hands-on workshops hosted by the art & design department. The performing arts have also flourished under Burd's direction. He negotiated one of the first ever collaborations in higher education between a public institution, Gainesville College, and a private institution, Brenau. The merger, called the Gainesville Theatre Alliance, has brought accolades and honors, regionally and nationally, to all involved.

During Jack Burd's tenure the campus, located in downtown Gainesville, Georgia, has enlarged to include a new library, a new business and communication arts building, performing arts center, fitness center, tennis center, several student houses and apartment buildings. There has been extensive renovation of buildings listed on the National Register of Historic Places—upgrading 19th century buildings for 21st century use. By preserving the university's heritage, Jack Burd brought stability to a neighborhood of Gainesville that is but two blocks from the center of town. Once a declining area with many structures in need of repair, Burd's endeavors and fundraising increased property values and the safety and security of the area, and revitalized what is now a vibrant, desirable area.

Spare time is hard to come by for a president of a busy college. But, Jack found time to lend his considerable talents for leadership and organizational planning to myriad community service groups such as Northeast Georgia Medical Center Advisory Board, First United Methodist Church, the Women's College Coalition, the Gainesville/Hall County Chamber of Commerce, Crawford W. Long Museum, Gainesville Symphony and the Georgia Association of Colleges.

In conclusion, to list all of the Brenau's accomplishments under Dr. Burd's leadership would be laborious and impossible. But a few notable ones that occurred over the past nineteen years include; increasing enrollment by more than 60 percent to 2,300 students; adding 7 graduate level degrees; renovating, constructing, and acquiring 19 campus buildings; obtaining national accreditation; and improving the university's financial situation dramatically from a meager endowment of $2.5 million in 1985 to more than $50 million today. There is no operational deficit and the university's economic contribution to the region is estimated to be $38 million.

How can one exaggerate the importance of what this man has given to northeast Georgia? He leads a private college that manages its finances wisely, contributes to the economic welfare of all, returns highly qualified people to the workforce, and augments our quality of life with cultural events that feed the soul.

Thank you Dr. John S. Burd for all you have given the citizens of northeast Georgia. Congratulations on your well-deserved retirement.

RECOGNITION OF ASPHALT GREEN AND THREE OF ITS OUTSTANDING LEADERS, STEWART B. CLIFFORD, AL ZESIGER, AND BARRIE ZESIGER, ON THE EVENING OF THE BIG SWIM BENEFIT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. MALONEY. Mr. Speaker, I rise to recognize the achievements of Asphalt Green and its honorees, Stewart B. Clifford, Al Zesiger and Barrie Zesiger, on the evening of the Big Swim Benefit and Asphalt Green's 30th anniversary celebration. Asphalt Green is a wonderful nonprofit organization that offers a wide array of health and fitness facilities to New York City residents. Our community is truly fortunate to have such an enjoyable and necessary resource.

The Asphalt Green facility began in 1974 as one of the last city-owned open spaces on the Upper East Side of Manhattan. By 1976, the Asphalt Green campus included a one-and-a-half acre park, gardens and a wading pool, all of which were available for public use free of charge. Later that year, Stewart B. Clifford assisted the organization's successful efforts to persuade the City to designate the asphalt plant adjacent to the organization's park (Asphalt Green's namesake) as a New York City landmark and to convert the plant into a multi-use community center. In 1984, the former plant was renamed the George and Annette Murphy Center, in honor of the organization's founder, Dr. George Murphy.

The next phase in Asphalt Green's development began when Dr. Murphy enlisted the help of two of this evening's honorees, Al and Barrie Zesiger, to add an Olympic-sized swimming pool to Asphalt Green's already extensive facilities. The pool, along with a full-service sports and fitness complex, opened in 1993. These facilities have been of tremendous benefit to New Yorkers—and not just on hot summer days. Indeed, water exercise classes at the pool are available year-round, and are particularly well-suited to the fitness needs of the elderly, who are susceptible to the joint and muscle stresses associated with dry-land exercise. In all, more than 42,000 New Yorkers use Asphalt Green's facilities each year.

This evening, Asphalt Green will hold its annual Big Swim benefit, which will raise funds for the organization's Waterproofing program, a joint venture with the New York City Public School District to teach underprivileged children how to swim. Swimming ability is strongly linked with both socio-economic status and race: only 14 percent of those with annual incomes under $10,000 know how to swim, and the rate of drowning among African-Americans is significantly higher than that of other ethnic groups. The Waterproofing program is notable not only because it encourages a lifetime of fitness, but also because it helps to save lives.

The foregoing would not have been possible without Al and Barrie Zesiger's dedication to public service and financial support, and the leadership of Stewart B. Clifford, a member of Asphalt Green's Board for more than twenty years. All three of these great citizens of New York will be honored at this evening's benefit.

Mr. Speaker, I request that my colleagues join me in paying tribute to this fine organization and its honorees, Al and Barrie Zesiger and Stewart B. Clifford.

TRIBUTE TO FREDDY FENDER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an American patriot, cultural icon, and leader in our South Texas community: Freddy Fender, an accomplished artist whose appeal is ageless. Freddy proved his everlasting influence in 2002 when he won the Grammy for Best Latin Pop Album and again this year, as the Texas Folklife Resources celebrated 50 years of Freddy's music with a concert as part of its Folk Masters series on Saturday, April 10, 2004, at the Paramount Theatre in Austin, Texas.

A San Benito, Texas, native and legendary performer, Freddy was born Baldemar Huerta. He began his career as teenager recording popular English language songs in Spanish that found an audience in Mexico and Latin America in the 1950s. In the 1960's his career took off in the United States with the hit, ''Wasted Days and Wasted Nights.''

Those wild, early days eventually put him on more disciplined path. He went back to school and worked as a mechanic, but he continued singing.

His number one hit, ''Before the Next Teardrop Falls,'' was his re-entry into popular culture. That album went multi-platinum, and Fender won best male artist of 1976. In the latter part of the century, he spread his wings, expanded upon his talent and worked with Robert Redford in the movie The Milagro Beanfield War and other non-traditional projects.

He found his stride, working in different parts of the entertainment industry. But he never strayed far from the bounds of music, working with The Texas Tornados.

Freddy and his family have been tested in the fires of a near-death experience. After a protracted illness, Freddy received a kidney from his daughter, cheating death, and still singing and writing his songs.

Freddy's Grammy Award-winning album in 2002 captured the yearning for a simple, romantic return to youth. The cover has a 4–year-old Baldemar Huerta dressed as a cowboy astride a painted pony. ''La Musica de Baldemar Huerta'' is 10 boleros with little accompaniment. Boleros are poignant ballads generally featuring sophisticated guitar picking and sensual rhythms.

The biggest thing for which Freddy is known in South Texas is his generosity of spirit in establishing a scholarship fund for average students. An average student himself, and an avowed troublemaker in his youth, he has a unique understanding of the challenges before a young person who has either made a mistake, made only average grades, or both.

I ask the House of Representatives to join me—and the Texas Folklife Resources—in honoring Freddy Fender a great American treasure, a South Texan, a friend, and lifelong cultural icon in North American music.

HONORING MISSISSIPPI STATE'S BASKETBALL TEAM

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, it has been four decades since Mississippi State University stood atop the Southeastern Conference as the undisputed solitary men's basketball champion. The Bulldogs, under the leadership of Coach Rick Stansbury—the Associated Press SEC Coach of the Year—did so this year with a 25–2 regular season record and a 14–2 record in the SEC that propelled them into the top five ranking in the national AP poll.

It was the 1962–1963 season when MSU won a previous solitary SEC championship. Six head coaches and 41 years later, the Bulldogs did it again in a nail-biting come-from-behind victory over the Alabama Crimson Tide. The Bulldogs were down in the second half by 18 points against the University of Alabama, one of two teams to defeat MSU during the regular season. During the last second, under intense defensive pressure, senior All-SEC guard Timmy Bowers made a 14-foot jump shot to tie the game, sending it into overtime. Then again, in the final second of overtime, Bowers made another jumper to earn a Bulldog victory of 82–81.

MSU has had champion basketball teams in the past, some shared, all notable.

Season, Record, SEC, Notable:

1958–59, 24–1, 13–1, opened SEC play with only loss to Auburn.

1960–61, 19–8, 11–3, lost three games only by a combined 12 points.

1961–62, 24–1, 13–1, shared title with Kentucky, only loss to Vanderbilt.

1962–63, 22–5, 12–2, lost to Loyola (Chicago) in NCAA Mideast regional.

1990–91, 20–9, 13–5, shared title with LSU; lost to Eastern Michigan in NCAA East regional.

2003–04, 25–2, 14–2, became fourth SEC team to win all eight road league games; lost to Xavier in NCAA second round.

The future looks bold for the Maroon and White. Seniors Timmy Bowers and versatile Branden Vincent will be missed, and though the NBA is courting junior center Lawrence Roberts (the reigning SEC Player of the Year), MSU will field a solid team in 2005. Juniors Shane Power and Winsome Frazier, senior Marcus Campbell, and sophomore Gary Ervin all look to be explosive scorers next year on the court and across the conference. Added to these quality players are sophomore center Wesley Morgan and freshman guard Dietric Slater plus Ontario Harper, a medical red shirt, as well as three top signees: Charles Rhodes from Lanier High School in Jackson, Mississippi; Jerrell Houston from Memphis, Tennessee; and Jamall Edmondson from Meridian Community College.

This year, Mississippi State earned the second seed position in the NCAA Basketball Tournament Atlanta Regional. While they were eliminated by Xavier during the second round of play, the Bulldogs have played a terrific season. An SEC title, a final record of 26–4 and 14–2 in the SEC, undefeated during regular season on the road; these have stirred a fire among MSU fans that will continue to burn into next year.

The pride of the Bulldogs extends not just from Starkville, home of Mississippi State University, but across the state. I hope Congress will join me in congratulating this team and Coach Stansbury—wishing them all the best fortune in the future both personally, and as representatives of MSU.

PERSONAL EXPLANATION

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. HARRIS. Mr. Speaker, on March 31, 2004 during rollcall vote No. 104 on H. Res. 581, I was unavailable for the vote. Had I been present, I would have voted ''yes.''

U.S.-CHINA MARITIME RELATIONS AND THE EMERGENCY OF COSCO

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. OBERSTAR. Mr. Speaker, I would like to commend the Federal Maritime Commission for its actions on March 31 in granting the petitions of three Chinese maritime carriers to provide relief from the 30-day waiting requirement for reduction of tariff rates of the Controlled Carrier Act. These carriers will now be able to make rate changes within 24 hours, which is the current market standard for all shippers.

These recent FMC actions, along with the formal signing of the U.S.-China Maritime Agreement in February, signal that the commitment made by both nations to develop closer maritime and commercial relations and to open markets is closer to becoming a reality. The increased economic cooperation between the United States and China is becoming more tangible, as evidenced by the fact that a business in my district made its first ever shipment to China this year.

Mr. Speaker, one of the Chinese carriers whose petition was recently granted by the FMC is the China Ocean Shipping Company (COSCO), which played an important role in supporting the U.S.-China Maritime Agreement. COSCO will soon celebrate the 25th anniversary of the maiden voyage of its first ship in the United States in 1979, an event which marked the re-establishment of U.S.-China trade relations for the first time in 30 years. COSCO was a leader at that time and continues to lead today.

COSCO has transformed itself to become a leading global shipper that operates under market rules. Recently, COSCO's CEO, Captain Wei Jaifu, gave the keynote address at the Trans-Pacific Maritime Conference in Long Beach, California. Captain Wei and COSCO where profiled in a cover story by the Journal of Commerce that explained COSCO's goals to expand services and eventually to be publicly listed on the New York Stock Exchange. Mr. Speaker, in order to share more information with my colleagues about COSCO's role in supporting trade with the U.S. and globally, I would like to submit the March 22 Journal of Commerce cover story for the RECORD.

(From the Journal of Commerce, Mar. 22, 2004)

COSCO SETS ITS COURSE

(By Peter T. Leach)

Capt. Wei Jiafu is a man who knows where he's going. He should; he's a former deck officer who now is president and chief executive of China Ocean Shipping (Group), China's largest ocean carrier. Wei is what Gilbert and Sullivan might call the model of a modern capitalist, were it not for the fact that COSCO is owned by the avowedly communist state.

As chief executive since 1998, Wei is steering a capitalist course for COSCO that is designed to accomplish three long-term goals, which he discussed in an interview before The Journal of Commerce's 4th annual Trans-Pacific Maritime Conference this month in Long Beach, Calif. Wei said he aims to make COSCO one of the top five shipping companies in the world by doubling the size of its container fleet in the next four years; to expand COSCO's logistics business to provide more revenue balance; and to list the company's stock on the New York Stock Exchange.

Wei added a fourth goal last week that is raising questions in the industry. In his keynote address to the conference, he called for the establishment of ''a long-term stable development mechanism'' based on fair regulation, cooperation among carriers, and cooperation among carriers, shippers, terminal operators and service providers.

The fact that his remarks attracted questions from shippers and carriers such as, ''What did he mean?'' indicates the prominence that COSCO has attained in the six

years since Wei took over. COSCO's reputation has evolved from that of a rate-cutter trying to elbow its way into the trans-Pacific and Europe-Asia trades into a first-tier carrier whose rates have reached parity with its CYKH alliance partners, ''K'' Line, Yang Ming and Hanjin.

By contrast, China Shipping Group, COSCO's arch-competitor and one of China's other state-owned shipping companies, is now widely regarded in the industry as a company that is more prone to cut rates. Wei said COSCO currently ranks as the world's seventh, ''or sometimes the sixth,'' largest container carrier, and that China Shipping ranks 10th. Wei predicted COSCO will be among the five largest lines by 2010.

Though China Shipping is growing faster than COSCO because its container business is emerging from a smaller base, COSCO is ''expanding faster in all segments of shipping,'' including tankers, dry bulk carriers and specialized project cargo vessels, Wei said. He said he was especially proud of two new semi-submersible project cargo vessels delivered last year that were designed to carry and anchor offshore oil rigs, using new technology to pinpoint locations.

Wei said COSCO and China Shipping compete, but that he does not regard the competition as a ''threat alone'' to COSCO's business. ''We have been trying to establish a new kind of cooperative relationship between carriers.'' COSCO and China Shipping began discussing some kind of ''cooperative relationship'' in 2000, but the relationship has not been defined.

Both companies are ''100 percent state-owned, so it is very natural that we have the same language,'' Wei said. ''COSCO is always making great efforts to upgrade and strengthen the good relationships between the two companies. We are not part of each other, maybe one day through the stock market.'' He defined this cooperation as vessel-sharing alliances and slot-sharing agreements, the kind of cooperation COSCO is conducting with its CYKH partners. ''Cooperation can benefit COSCO and China Shipping,'' he said. ''Each company has got its own operational competitiveness, but neither of us can cover every corner of the market, so there is the opportunity to cooperate.''

Wei's polite words about his competitor mask the fierce rivalry that has developed between the companies and between Wei and China Shipping President Li Keilin, whom many in the in-dustry believe has the access to the ears of China's leaders. China Shipping has been expanding its fleet rapidly and is atop the list of new ships on order. It will deploy 8,500–TEU container ships in the transPacific this summer.

Yet COSCO is not standing still. It added seven new ships, with total capacity of 20,000 TEUs, in 2003. It has ordered another eight vessels with a total capacity of 54,000 TEUs. Five of these, totaling 37,500 TEUs, will be delivered this year. Another eight vessels with capacity of 68,000 TEUs have been chartered. This will bring COSCO's total container capacity to 300,000 TEUs by year-end.

Wei said COSCO's fleet capacity will expand to 320,000 TEUs next year, to 420,000 TEUs by 2007 and to 600,000 TEUs by 2010, the year in which he predicts it will join the ranks of the world's top five container lines.

China Shipping plans to stay hot on COSCO's heels. Its China Shipping Container Lines subsidiary plans to expand its fleet to a total capacity of 500,000 to 600,000 TEUs by 2010. China Shipping's Li has been quoted in the Shanghai press as hoping its container fleet will attain a capacity topping 350,000 TEUs by the end of 2005.

Container shipping is only part of COSCO's business. Logistics is another part that is ''growing very rapidly,'' Wei said. Revenue from COSCO Logistics, established as a separate unit three years ago, increased by what he called a ''surprising'' 50 percent in 2003. ''We are going to expand our logistics business (to) take advantage of the booming Chinese economy and further strengthen our competitiveness,'' Wei said.

COSCO faces competition in its logistics business from another state-owned company, Sinotrans, which also competes with its container business. The container competition now appears to be easing, because ''Sinotrans has gradually transformed itself into an international logistics provider rather than a global liner operator,'' Wei said. Sinotrans ended its service in the Asia-Europe trade lane in 2002 to concentrate on the trans-Pacific and intra-Asia trades, ''so based on the transformation of the business strategy, its liner business in major east-west trade lanes will not be further expanded in the future.''

How does COSCO plan to finance all of this additional container capacity and logistics growth? ''I believe getting listed on the stock market is certainly a good choice,'' Wei said. COSCO has listed seven of its subsidiaries in both domestic and overseas stock markets, he said. Two of them are what he called ''blue chip'' stocks. COSCO Pacific became a component of the Hang Seng Index in Hong Kong last year, and COSCO Singapore became part of the Straits Times Index in Singapore this month. Both are the equivalent of the Dow Jones Industrial Index on the New York Stock Exchange.

The Big Board is also on Wei's radar screen. ''We will list in the U.S. stock markets soon. We want to list our core business on the New York Stock Exchange,'' he said. ''COSCO has a very good reputation, so its listing in New York will be very attractive.''

China Shipping is planning to take a leaf from COSCO's book by listing the stock of China Shipping Container Lines in an initial public offering on the Hong Kong Stock Exchange as early as May. The IPO is supposed to raise up to $2 billion, though Hong Kong analysts have expressed skepticism that it would reach that amount. The $2 billion estimate appears high for a company that posted losses from its establishment in 1997 until it finally earned a profit last year.

This rapid expansion by Chinese shipping companies comes amid the boom in China's containerized trade. ''China's rapid growth in economy and trade has become the main engine to drive the international shipping market,'' Wei said. China's containerized trade increased by 11 million TEUs to a total of 48 million in 2003, pushing China into first place globally, ahead of the U.S. with 40 million TEUs last year. COSCO forecasts that China's containerized trade will grow by another 5 million TEUs this year.

Wei is someone who has set and attained goals throughout his career. Born in 1949—the year the People's Republic of China was formed—into a peasant farming family in Jiansou Province, he served at sea from the late 1960s through the early 1980s. He was then named to a senior post at a COSCO subsidiary, Guangzhou Ocean Shipping Co., where he witnessed the initial steps taken by China's then-supreme leader Deng Xiaoping to open the region adjacent to Hong Kong to economic development. He earned a master's degree in shipping management.

As he rose through the ranks at COSCO, he managed a joint Chinese-Tanzanian government shipping company and subsequently ran COSCO's Tianjin-based bulk shipping division. As chief executive, he is confronting perhaps his biggest challenge: transforming COSCO from a traditional shipping concern into a logistics services provider, a central element of the company's long-term strategic plan. Container shipping, which accounts for more than half of the group's revenue, is affected by the unpredictable and wild gyrations of global freight rates, a reality that has forced COSCO and other companies to diversify into sectors more likely to yield stable and higher margin earrings.

Wei has a window of opportunity to accomplish this goal. He said he expects cargo demand will stay ahead of the increase in the supply of new ships. ''Looking ahead, the ship order book remains at a moderate level, so the market over the next 12 months will be demand-driven,'' he said. ''In the container shipping market, supply will rise by 7 percent this year, and demand will increase by 8 percent, which means freight rates will continue to rise.'' He said demand will stay ahead of supply for the ''next two or three years.''

But Wei is concerned that the long list of shipbuilding orders will catch up with demand after that and affect the shipping market. ''Therefore, I am obliged to ask everybody in this industry to work together and slow down this unreasonable fleet expansion and keep the market stable.''

That's what has the industry reading the tea leaves to try to figure out what he meant with his Long Beach speech's references to cooperation. ''I think what he meant is that carriers and shippers have to get together to agree to even out supply,'' said Howard Finkel, senior vice president of trade at COSCO North America Inc. ''We have antitrust immunity; we need to use it better.'' He said one forum for this discussion might be the Transpacific Stabilization Agreement, where carriers and shippers can discuss rates and set voluntary rate guidelines. COSCO plans to accomplish this fourth goal of Wei's, Finkel said, because it is ''determined not to be the wild man out.''

FORTH WORTH IS ONE OF AMERICA'S MOST LIVABLE CITIES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the city of Fort Worth on being named one of nine "America's Most Livable Cities" by the Partners for Livable Communities." In order to be recognized, Fort Worth was compared with other cities throughout our Nation and judged on creativity and the ability to prepare for the new economy.

America's Most Livable Communities is a project of Partners for Livable Communities, a national non-profit organization working to restore and renew America's communities. Founded in 1977, Partners was the first national group to raise the banner of livability as both a consumer goal and a standard of excellence for municipal performance. This new project recognizes the necessity for communities to increase the standards for quality of life in order to attract better businesses and promote economic growth.

As one of the nine cities recognized in the large cities category, Fort Worth is recognized as a place where the economy is strong, the community is handling challenges and it is able to respond quickly to difficult situations. Fort Worth has shown to have long term strategies that are driven by quality of life standards. As a city it ensures that the climate, setting, intelligence of the labor force, downtown amenities, partnerships, and leadership agendas are above the standards necessary to survive.

Fort Worth has been able to maintain the Nation's third largest cultural district to supplement the incorporation of modernization and community outreach. Partners are impressed with efforts to transform many of Fort Worth's older, central city commercial districts into vibrant urban communities. The City Council has worked with private developers, business groups and neighborhood associations to create 13 urban communities, all with unique qualities specific to the areas they serve. These urban communities help promote the inner city as an appealing alternative to the basic and usually overcrowded parks and subdivisions common to suburbs. Inner-city villages also serve as methods for public and private ventures to support and renew economic activity to downtown Forth Worth. Buildings are able to be connected with neighborhoods effectively without depriving citizens of the quality of life they were seeking in the suburbs.

In 2001, Fort Worth established the goal of being the most livable city in Texas. As the only Texas city recognized by Partners at the America's Most Livable Awards Program on April 20th, 2004, that goal has been achieved. I commend the city on setting its goals and standards high. It is my hope that we can continue to keep the bar high and continue to strive for excellence.

RECOGNITION OF THE CITY OF LONG BRANCH'S CENTENNIAL CELEBRATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PALLONE. Mr. Speaker, it is with great honor that I have the opportunity to recognize the city of Long Branch in honor of their centennial celebration of incorporation. In 1903, Long Branch was formally incorporated as a city, but its rich history predates this initial incorporation, and dates as far back as 1498, when Long Branch was first explored by John Cabot.

The land, which makes up current day Long Branch, was claimed by Henry Hudson in 1664, and then purchased from the Native American Leni Lenape tribe in 1668 by European settlers seeking religious freedom. The newcomers named the settlement "Long Branch" after the long branch of the Shrewsbury River that is located at the northern end of the city.

Much like their Native American neighbors, the first settlers created a self-sustaining community that relied on hunting, gathering, and fishing to survive. Those hardy people (as well as the town they resided in) existed in relative isolation until the 19th century, which is when Long Branch entered its "Golden Age." During that period, commerce in the American northeast grew, and the Long Branch area began to expand rapidly. Due to the town's proximity to the coast, and the natural beauty of the region, leaders in finance, theatre, politics, and the military flocked to Long Branch by the hundreds to enjoy the area's treasures. Individuals from New York, Philadelphia, and Washington D.C. made Long Branch the premier vacation destination. At the height of its Golden Age, Long Branch became the most glamorous summer resort location of the Northeast. Among the notable visitors were General Winfield Scott, actor "Buffalo" Bill Cody, and writers such as Bret Harte and Robert Louis Stevenson.

Most importantly, Long Branch became the nation's summer capital. Several United States Presidents summered in Long Branch. Among them were Chester A. Arthur, Rutherford B. Hayes, Benjamin Harrison, William McKinley, Woodrow Wilson and Ulysses S. Grant, who visited the area every summer during his Presidency and many summers thereafter. President James A. Garfield, after he was mortally wounded by an assassin's bullet, left Washington D.C. for Long Branch to recuperate from his wounds. Unfortunately he died shortly thereafter, in the Elberon section of the city.

Long Branch began experiencing major changes in the early 1920's, after gambling was outlawed and other cities began competing for tourism. It became a city of permanent residents with a business and manufacturing center. Long Branch continues to be a city of changes. The beachfront that had lured (and still lures) many tourists is being redeveloped. More small businesses are coming into town and expanding operations. Many of the homes of the Golden Age of Long Branch are being restored as a tribute to the beauty and history of the region. The city is more conscious of its historic sites, but also of the various ethnic groups, religious and cultural organizations that have created the melting pot that is today's Long Branch.

Mr. Speaker, I would like to ask my fellow colleagues to acknowledge the City of Long Branch for its one-hundredth anniversary of incorporation, and join me in wishing the city many more years of rich history and prosperity.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, on Tuesday, April 20 I was in my District in New Jersey attending services associated with the funeral of Lieutenant John Wroblewski (United States Marines) of Jefferson Township.

As a result, I was not in attendance in the House for several recorded votes.

On rollcall No. 118, designating the Richard Wilson Post Office, I would have voted "aye."

On rollcall No. 119, designating the John J. Pershing Post Office, I would have voted "aye."

On rollcall No. 120, designating the Dosan Ahn Chang Ho Post Office, I would have voted "aye."

HONORING THREE GENERATIONS OF MITCHELL BRONZE MEDALS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, the United States Army reserves the Bronze Star for soldiers who distinguish themselves through heroic or meritorious achievement or service. The Army has awarded this, its fourth highest honor for military personnel, to three generations of the Mitchell Family. I rise today to honor their service to this nation.

First Sergeant David Mitchell and his son Sergeant Brian Mitchell recently returned from active duty in Iraq. For their achievements and dedication to our nation's military, they have both been awarded the Bronze Star. They are the second and third generations of this family respectively to earn this medal, following in the steps of David's father R.L. Mitchell. David is a native of Calhoun City and Brian lives in Forest, in the heart of my district.

The Mitchells are part of the thirty-two members of the Mississippi National Guard recently decorated with the Bronze Star for their service in Operation Iraqi Freedom; all but one from the 223rd Combat Engineer Battalion based in West Point, Mississippi. The other, Raymond resident Lt. Col. Ellis Riser is of the 168th Engineer Group in Vicksburg.

While in Iraq under the constant threat of attack from Iraqi militants and foreign terrorists, the Mitchells conducted engineering projects, secured the operations of our military's computer operations and even helped Iraqi schools.

David Mitchell received the award on his birthday and said, "As a father, it makes me real proud to serve my country and have my son by my side." In addition to Brian, another of David's sons also serves in the Army. I am proud, as a Congressman, that we have patriotic and dedicated men in Mississippi serving our nation and that they instill these characteristics as part of a family tradition.

Brian Mitchell told his hometown newspaper, the Scott County Times, "I joined in part because of the G.I. Bill and the education benefits but there was also a family tradition. I also wanted to serve my country." Brian said family is important to him and his unit became a second family to him. His family back at home, his wife Stacy and his children Dusty, Katie, and Alex all missed him, and their grandfather David. Just as they are, I'm glad Brian and David are home after fulfilling their missions.

These men, and many men with them, are heroes and I'm proud not only they are recognized for their achievements as American military men, but also that they have shown the tradition of Mississippi values to their fellow servicemen, and across the world to the people of Iraq. Honor is earned; not given. Mr. Speaker, the Mitchells have earned this honor.

TRIBUTE TO JOHN CONRAD KAPTUR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. KAPTUR. Mr. Speaker, it is a great privilege today to offer respectful words for history to pay tribute to John Conrad Kaptur on behalf of the entire Kaptur family—his wife Rita; children Stephen, Christopher, Renee, James/Christine, Kenneth, Regina/Jeff; sisters Virginia, Lillian, Christine; and the grandchildren Nicole, Michael, Cassandra, Ashley, Brittany, Jacob, and Lucas. Let us honor his beautiful life. Surely, he is loved.

His children observe: ''Dad has a smile that would immediately tell all that he was happy to be in company with you. He enjoyed a good joke and always enjoyed a brewed cup of tea. 'Refreshing,' he would say. John was a gentleman, also a strong man, a man who exemplified the motto by which he lived: 'always faithful.' Our own father, his uncle, said of John, 'He knew how to be a man.' ''

Born in 1925, John was a devoted son of Szepan and Mary. He was his parents' first and only born son and the eldest of 16 children, an American of Polish heritage. He grew up attending St. Stanislaus Church and Libbey High School in tough economic times. He knew struggle. He worked hard. He possessed the drive, inventiveness and skill for which Kaptur men are known. His kindness was rooted deeply in his early years when people survived by holding onto one another.

He valued family—to celebrate life and to weather the rough times. At 79, he was the patriarch of the Kaptur family.

John was a tot when Wall Street crashed in 1929 ushering in the Great Depression of the 1930s. No jobs were to be had. For people today, it is hard to describe how hard life was back then—before America had a minimum wage, before there was enough to eat for so many families, before there was Social Security and Medicare. That was the world into which John was born. He never forgot. But he always kept moving forward. He was so talented. He possessed the Kaptur man's physique—sturdy, square jawed, full of wanderlust, but steady, with a heart of gold so big his body could hardly contain it.

At 17, following in his father's footsteps, he enlisted in the U.S. Marine Corps—the elite, special branch of the U.S. Armed Forces especially trained for amphibious assault. He served in the Pacific Theater during World War II—first training at Camp Le Jeune in New River, North Carolina. In September, 1942, he departed on a troopship out of San Diego as a member of the 3rd Marine Division for the Bouganville invasion of American Samoa. He contracted a mosquito borne illness in late 1943 after the Guadalcanal invasion. A natural leader, he rose in rank in the Corps and later in the Reserves from Private First Class, to Lance Corporal, to Corporal, to Sergeant, and Staff Sergeant. He served honorably 12 years in the Corps and Reserves. He was a patriot.

When I look at his beautiful family, I repeat the Marine Corps saying: ''The marines have landed, and the situation is well in hand.'' John maintained a keen interest in world events and helped shape them. In his mid 30s, John married Rita Mominee. What a match this has been! Smiles, a house full of activity, travel, joy. Together, they raised a magnificent family: 4 boys—Stephen, Christopher, James, Kenneth—and finally a girl—Regina. What a blessing he was able to watch them grow up and flower into adulthood.

He enjoyed every minute. During his long life, he also experienced the Great Depression, World War II, the Korean War, Sputnik and the landing of the first man on the moon, the collapse of the Soviet Union, where his own father had served in Marine Corps in Vladivostok, and he ushered in the 21st century. All the while, John kept steady with his family and garden blooming, a man of quiet strength, a gentleman, good, and kind. To ease the sorrow, we should think about what each of us can do in his name, as a living prayer. For he will come to us now in a new way, not on our time but on his time. His children, through Regina, say about him:

''Dad was proud to be Catholic and to have served in the United States Marine Corps. His talents were many.'' After working nearly four decades in industrial production planning at Dura Corp. and later, retiring from Chrysler-Jeep as a planner in the engineering division, he quickly went out to do plumbing. ''The love of people and good conversation made me want to do it,'' he said. He always worked a hard day supporting his large family.

He most loved his family. He celebrated his 45th wedding anniversary not long ago with his wife, Rita, along with his family. What a strong and devoted spouse Rita has been. Jim and Christine shared their home for that event, just as they did for the wake after his Christian burial. Dad was very proud of Jim's accomplishments as a Paramedic/Toledo Firefighter and the perseverance he has to move up. He found great comfort in his knowledge. He would always take a nap in the afternoon so he could stay up to welcome Ken home from a hard day's work, and talk about the Lottery. When the day came to around 3 o'clock he would look for Chris to come by and have some good conversation. For Steve, he was very thankful for the skills it took to fix his car or use his trailer. As he was fathering all these boys, he became so very proud of their hard work and perseverance on a job. Regina knows her dad is proud of her accomplishments and the love, care, and comfort she had for him in his time of need. ''Dad taught me respect, compassion, diplomacy, perseverance, and the ability to know people and to have the psychology of life. Most of all, he taught me to love a human being, no matter if they were challenged or not.''

Then there are the grandchildren: He loved each and every one of them—Nicole, Michael, Cassandra, Ashley, Brittany, Jacob, Lucas. Whether John wanted to play hockey in the driveway, or bump the tree with the tire swing, or pick up sticks in the yard, or take a walk to the grapes, or even around the block. He may have just wanted a conversation with you, he loved you all. And I might add, our last conversation, just a few days ago, was about getting together with the grandchildren for dinner when he was feeling better.

And the grandchildren couldn't have come without the loving daughters-in-law and son-in-law he gained: Renee, Christine and Jeff.

Regina writes: ''I was very glad to have spent the time with Dad these past few months and through all his surgeries. I would not have wanted it any other way. So much value was built in the quality time we had. He recalled everyone in the present and in the past. Never was a cross word said. His words were always very kind. Dad had the best doctors and they always took our phone calls without hesitation and went beyond to meet our needs. Dad was always open to their suggestions that would help him. He had told the doctors: 'Let's do it—I am a patient man.' With tears in my eyes, I watched as God wrapped his arms around Dad and said to him, 'My precious child, come with me. You surely were a treasure on this earth, but now I need you in Heaven.' So God reached out and showed him the bright light, and said, 'I will reunite you all again some day.' With tears in all of our eyes we will meet him again in heaven where he will greet each one of us with a smile and say, 'It's great to see you.' 'Thank you for coming' 'Can I get you a cup of tea, or perhaps a Coop e'Kava and cookie?' ''

POEM

Because you went first and I remain,
To walk the road alone.
I live in memories garden, Dear,
With happy days we've known.
In Spring I wait for roses red,
When faded, the lilacs blue.
In early Fall when brown leaves fall
I'll catch a glimpse of you.

Because you went first and I remain,
For battles to be fought.
Each thing you touched along the way
Is now a hallowed spot.
I hear your voice, I see your smile,
Tho blindly I now grope.
The memory of your helping hand
Now buoys me on with hope.

Because you went first and I remain,
One thing I'll have to do:
Walk slowly down that long long path,
For soon I'll follow you,
I want to know each step you took,
So I may take the same,
For some day down that lonely road,
You'll hear me call your name.

CONGRATULATING THE CUB SCOUTS, BOY SCOUTS, AND GIRL SCOUTS OF DODGE ELEMENTARY SCHOOL IN EAST AMHERST, NY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize the Cub Scouts, Boy Scouts, and Girl Scouts from Dodge Elementary School in East Amherst, New York, for having been chosen to receive the President's Environmental Youth Award.

In 2002, the Dodge Elementary Scouts began a wetland enhancement project in the Town of East Amherst. The project, now in its third year, has been a tremendous success, as is evidenced by the children being selected to receive the President's Environmental Youth Award. The project not only aids the environment and beautifies the Town, but also benefits the Scouts by teaching them the ideals of conservation and community service.

In the project's first year, the group planted four hundred tree seedlings around a one-acre pond in the town. Bird boxes were also placed around the pond for further wetland habitat enhancement. In 2003, these young men and women planted over eight hundred trees. The work was done as part of Amherst's Arbor Day celebrations. In that single day, the Scouts planted seven hundred and eighty seedlings, as well as fifty weeping willows, black willows, and green ash trees, varying from five to eight feet in height. It was a remarkable effort. This year, the Scouts have already placed several dozen bird boxes, bat boxes, and duck boxes, and have scheduled another tree-planting day for April 25th.

Mr. Speaker, on Thursday, April 22nd, members of the Cub Scouts, Boy Scouts, and Girl Scouts from Dodge Elementary School will be at the White House to be honored by President Bush as recipients of the President's Environmental Youth Award, and I ask that this House join me in congratulating them on this well-deserved award.

RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MCCRERY. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 70 percent of P.I.D.D. patients are able to maintain their health through regular infusions of a plasma product know as intravenuous immunoglobulin. IVIG helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because one of my good friends and constituents, Gail Nelson, is a P.I.D.D. patient. Gail and her husband Syd Nelson are tireless advocates for the primary immune deficiency community as volunteers for the Immune Deficiency Foundation. IDF is the nation's leading organization dedicated to improving the quality of life for P.I.D.D. patients.

Several years ago, the Nelsons educated me about the IVIG treatments that Gail and other P.I.D.D. patients receive on a monthly basis. Thanks to Gail and Syd's advocacy, I learned that the optimal setting for many P.I.D.D. patients to receive their IVIG infusions is in the home. Not only is home infusion more convenient for patients, it eliminates the potential for individuals to be exposed to infectious agents in a doctor's office or hospital outpatient setting. Despite the clear benefits of home infusion, I was disappointed to learn that Medicare would only pay for the administration of IVIG in an outpatient setting or a doctor's office.

As Congress undertook its landmark effort last year to modernize the Medicare program, I was pleased to work with my colleagues on the Ways and Means Committee to include a provision in the legislation to extend coverage for the home infusion of IVIG. This important provision provides coverage for home infusions if the Medicare beneficiary is (1) a diagnosed primary immune deficiency patient, and (2) has received clearance from his/her physician to receive treatment in the home. This important provision makes a new treatment option available for Medicare patients that has been the standard of care for many P.I.D.D. patients on private insurance.

Mr. Speaker, despite the important progress we have made in treating primary immune deficiencies, the average length of time between the onset of symptoms and a definitive diagnosis of P.I.D.D. is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

Mr. Speaker, I commend the Immune Deficiency Foundation for its leadership on behalf of the P.I.D.D. community, and I am proud to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for P.I.D.D. patients and their families.

NATIONAL MINORITY CANCER AWARENESS WEEK

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise today to speak in support of National Minority Cancer Awareness Week.

This year marks the 18th annual National Minority Cancer Awareness Week, a national awareness campaign which focuses on the disproportionate cancer burden experienced by racial and ethnic minorities and other medically underserved communities.

Despite all the progress that has been made in the battle against cancer, there is still much work to be done to eradicate this horrible disease.

In California alone, 125,000 new cancer cases will be diagnosed this year; 52,200 people will die from cancer. Out of every 100,000 people living in California, 186 will eventually die of cancer.

Mr. Speaker, we all know that a disproportionate burden of cancer continues to fall on a number of populations. African Americans have the highest death rates for all cancers and cancer is the leading cause of death for Asian American women.

According to the Centers for Disease Control, the average annual death rate per 100,000 people for all types of cancers was 257 for African Americans, 199 for whites, 138 for Hispanic-Americans, 138 for American Indians, and 125 for Asian/Pacific Islanders.

For every 100,000 people living in California, 65 African Americans in that group will die each year from lung cancer, 17 Hispanic women will die from breast cancer and 13 Asian Americans will die from prostate cancer.

Inadequate access to preventive services and early detection means that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment are decreased.

The future health of America as a whole will be influenced substantially by our success in improving the health of minority and other medically underserved populations.

I rise today to commend those working in my district and state who work tirelessly on this issue in the hopes of one day beating cancer.

Mr. Speaker, I urge my colleagues in Congress to come together and find a way to fund crucial research into cures for this disease. I hope we can reduce and ultimately eliminate the disproportionate burden cancer and other diseases pose on minority and medically underserved communities in our country.

RECOGNIZING NATIONAL PRIMARY IMMUNE DEFICIENCY WEEK

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because of the work that is being done in my district by Dr. Rebecca Hatcher Buckley. Dr. Buckley is Chief of Pediatric Allergy and Immunology at Duke University Medical Center, and she is the leading expert and pioneer in the diagnosis and treatment of Severe Combined Immune Deficiency (SCID) also known as "bubble boy syndrome." Children diagnosed with SCID lack an immune system, which is essential to survival. Dr. Buckley has dedicated her life to helping to save the lives of babies born with SCID through early diagnosis and treatment.

Although newborn screening exists for SCID, states do not include the test among their required screenings. Additionally, despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is over 9 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

Mr. Speaker, I commend the Immune Deficiency Foundation for its leadership in this area, and I am proud to join them in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

PAYING TRIBUTE TO SR. MARGARET "PEG" DOLAN, R.S.H.M. ON THE 50TH ANNIVERSARY OF HER ORDINATION IN THE RELIGIOUS SACRED HEART OF MARY

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. WATERS. Mr. Speaker, I rise to recognize and pay tribute to one of my most distinguished constituents, Sr. Margaret "Peg" Dolan, R.S.H.M. I commend her to my colleagues and thank her for her service to Loyola Marymount University, to Los Angeles, and

to our Nation. Last Friday, April 16th, Sister Peg, who currently serves as the Alumni Chaplain at Loyola Marymount, celebrated her golden jubilee, the 50th anniversary of taking her vows in the order known as the Religious Sacred Heart of Mary. Sister Peg has been a unique link to Loyola Marymount's history, having been present on the campus since the historic merger of Marymount and Loyola. Her many years at LMU have been extraordinary.

Born and raised in the Bronx, Sr. Peg grew up in a diverse neighborhood of Irish Catholics, Jewish, Italian, and German families. Her parents had come to the United States from Ireland. Her father worked two jobs to put all five kids through Catholic school and died at the age of 54. Her mother lived a long life and spent many hours caring for sick neighbors along with her five children.

In 1952 when she graduated from high school, Sister Peg chose to enter the Religious Sacred Heart of Mary. She studied Scripture, theology, and philosophy at Marymount College in Tarrytown, NY for two years. After taking her vows in 1954, she moved to California to study History at Marymount College. In 1957, she earned a teaching credential and began teaching at a boarding school also called Marymount in Santa Barbara.

In 1973, Sr. Peg enrolled at Loyola Marymount University to complete a Master's Degree in Counseling while serving as a Counselor in Training. She was such a big hit with the students that, at the end of that year, the residence hall advisors asked the administration to find her a job. She took a part-time position in Student Affairs at Loyola Marymount. In 1975, after she earned a Master's Degree in Applied Spirituality, Sister Peg joined the LMU Campus Ministry team as Chaplain where she did retreat work and counseling.

In 1985, she was promoted to Director and became the moderator of Gryphon Circle, one of five major service groups for students at LMU. In 1989, because of her interest in doing even more one-on-one counseling, Sr. Peg resigned her position as Director and returned to the Campus Ministry. In 1996, she accepted the invitation from the president of LMU to become Alumni Chaplain.

Reaching out to Loyola Marymount alumni and their families, Sr. Peg single-handedly launched the Alumni for Others program where students, alumni and friends spend a day working together on a community service project. Currently in its fifth year, the program's projects have included the painting and repairing of inner city schools and fixing homes for low-income elderly residents in such areas as South Central Los Angeles Watts, East Los Angeles and the Hilo River Reservation in Arizona. Since the program's inception, more than a thousand people have volunteered.

In recent years, the Alumni for Others program has directed its focus toward assisting inner city schools in need. After St. Columbkille School in South Central Los Angeles had closed its seventh and eighth grades due to financial constraints, Sister Peg spearheaded a development committee to reopen the classes and build a new library, raising over $800,000. Construction of the new library began last June.

Mr. Speaker, Sister ''Peg'' Dolan has generously offered support and wise counsel to students, alumni, fellow chaplains, fellow staff members, and all members of the Loyola Marymount community. She has dedicated her life to community service and counseling and has made a tremendous contribution to our community. I am pleased to commend and thank her for her outstanding work, and look forward to many more years of her service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 22, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

9:30 a.m.
Armed Services
Business meeting to consider the nominations of Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller), Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy, and Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration.
SR–222

Commerce, Science, and Transportation
To hold hearings to examine telecommunications policy, focusing on lessons learned from the Telecommunications Act of 1996.
SR–253

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine sustainable, low emission, electricity generation.
SD–366

Finance
International Trade Subcommittee
Health Care Subcommittee
To hold joint hearings to examine international trade and pharmaceuticals.
SD–215

Judiciary
To hold hearings to examine the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.
SD–226

Aging
To hold hearings to examine opportunities and challenges relating to assistive technologies for independent aging.
SD–628

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1064, to establish a commission to commemorate the sesquicentennial of the American Civil War, S. 1092, to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans, S. 1748, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 2046, to authorize the exchange of certain land in Everglades National Park, S. 2052, to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, and S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project.
SD–366

3:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine International Space Exploration Program.
SR–253

APRIL 28

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine telecommunications policy.
SR–253

Environment and Public Works
To hold hearings to examine the reauthorization of the Economic Development Administration.
SD–406

Indian Affairs
To hold hearings to examine S. 2172, to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine medical programs in the armed services.
SD–192

Foreign Relations
To hold hearings to examine the nominations of James Francis Moriarty, of Virginia, to be Ambassador to Nepal, Michele J. Sison, of Maryland, to be Ambassador to the United Arab Emirates, and Thomas Charles Krajeski, of Virginia, to be Ambassador to Yemen.
SD–419

Governmental Affairs
To hold hearings to examine the use and prevention of abuse of government purchase cards.
SD–342

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine how to promote a healthy marriage.
SD–430

Judiciary
To hold hearings to examine safeguarding the future of American live theater relating to the Playwrights Licensing Antitrust Initiative Act.
SD–226

3 p.m.
Foreign Relations
To hold hearings to examine the nominations of Constance Berry Newman, to be an Assistant Secretary of State for African Affairs, Aubrey Hooks, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, Thomas Neil Hull III, of New Hampshire, to be Ambassador to Sierra Leone, and Roger A. Meece, of Washington, to be Ambassador to the Congo.
SD–419

APRIL 29

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings to examine telecommunications policy, focusing on industry perspectives.
SR–253

Foreign Relations
Business meeting to consider pending nominations.
SD–419

10 a.m.
Indian Affairs
To hold hearings to examine S. 2301, to improve the management of Indian fish and wildlife and gathering resources.
SR–485

Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold an oversight hearing to examine National Oceanic and Atmospheric Administration, Department of Commerce.
SR–253

MAY 4

2:30 p.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

3:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

5 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

MAY 5

9 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2005 for defense related programs.
SD–192

10 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

2:30 p.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

MAY 6

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

MAY 7

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

MAY 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine the impacts and costs of last year's fires, focusing on the problems faced last year and what problems agencies and the land they oversee may face next season, including aerial fire fighting assets and crew, and overhead availability.
SD–366

MAY 12

Time to be announced
Indian Affairs
To hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.
SD–192

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
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Senate

Chamber Action

Routine Proceedings, pages S4171–S4236

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 2325–2333, and S.J. Res. 33. **Page S4225**

Asbestos Litigation: Senate continued consideration of the motion to proceed to the consideration of S. 2290, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure. **Pages S4184–S4218, S4233**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to the consideration of the bill at 10:30 a.m., on Thursday, April 22, 2004, with 60 minutes for debate, followed by a vote on the motion to invoke cloture on the motion to proceed to occur at approximately 11:30 a.m. **Page S4233**

Crime Victims' Rights—Agreement: A unanimous-consent agreement was reached providing that if cloture is not invoked on S. 2290 (listed above), Senate begin consideration of S. 2329, to protect crime victims' rights; that the bill be held at the desk; that there be no amendments in order to the bill; and that there be two hours for debate, followed by a vote on final passage of the bill. **Page S4233**

Crime Victims' Rights Constitutional Amendment—Agreement: A unanimous-consent agreement was reached providing that the cloture vote on the motion to proceed to consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, scheduled to occur on Thursday, April 22, 2004, was vitiated. **Page S4233**

Nominations Confirmed: Senate confirmed the following nominations:

4 Coast Guard nominations in the rank of admiral.

Routine lists in the Coast Guard. **Page S4233**

Messages From the House: **Pages S4222–23**

Measures Referred: **Page S4223**

Measures Held at Desk: **Page S4223**

Executive Communications: **Pages S4223–25**

Additional Cosponsors: **Pages S4225–26**

Statements on Introduced Bills/Resolutions: **Pages S4226–31**

Additional Statements: **Pages S4221–22**

Authority for Committees to Meet: **Pages S4231–32**

Privilege of the Floor: **Page S4232**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:27 p.m., until 9:30 a.m., on Thursday, April 22, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4233.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: MISSILE DEFENSE AGENCY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Missile Defense Agency, after receiving testimony from Lieutenant General Ronald T. Kadish, USAF, Director, Missile Defense Agency, Department of Defense.

APPROPRIATIONS: FOREIGN ASSISTANCE

Committee on Appropriations: Subcommittee on Foreign Operations concluded a hearing to examine proposed budget estimates for fiscal year 2005 for foreign assistance, including counterterrorism programs, after receiving testimony from Ambassador J. Cofer Black, Coordinator for Counterterrorism, Department of State; and Andrew S. Natsios, Administrator, U.S. Agency for International Development.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Romolo A. Bernardi, of New York, to be Deputy Secretary, who was introduced by Senator Schumer and Representative Walsh, Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, who was introduced by Senator Warner and former Senator Dole, and Cathy M. MacFarlane, of Virginia, to be Assistant Secretary

for Public Policy, who was introduced by Senator Warner, all of the Department of Housing and Urban Development.

RECREATION FEE DEMONSTRATION PROGRAM

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded an oversight hearing to examine the implementation of the Recreation Fee Demonstration Program by the Forest Service and Bureau of Land Management, and on policies related to the program, after receiving testimony from P. Lynn Scarlett, Assistant Secretary of the Interior for Policy, Management, and Budget; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Carl Wilgus, Idaho Department of Commerce, Boise, on behalf of the Western States Tourism Policy Council; Ted Anderson, Skagit County Board of Commissioners of Mount Vernon, Washington, on behalf of the National Association of Counties and the Washington State Association of Counties; Sue Bray, Good Sam Club, Ventura, California, on behalf of the American Recreation Coalition; Robert Raney, Montana State Parks Foundation, Livingston; and Edwin Phillips, Americans for Forest Access, Big Bear City, California.

NAFTA

Committee on Foreign Relations: on Tuesday, April 20, Subcommittee on International Economic Policy, Export and Trade Promotion concluded a hearing to examine a ten year perspective and implications for the future regarding NAFTA, focusing on the economic impact on the economy, impact on Mexico's economy and politics and the implications for relations with Mexico, commerce's role in enhancing economic opportunities for exporters, and NAFTA's next decade and the need to focus on economic competitiveness in a global economy, after receiving testimony from Grant D. Aldonas, Under Secretary of Commerce for International Trade; E. Anthony Wayne, Assistant Secretary of State for Economic and Business Affairs; A. Ellen Terpstra, Administrator, Foreign Agricultural Service, Department of Agriculture; Hector V. Barreto, Administrator, Small Business Administration; and Franklin J. Vargo, National Association of Manufacturers, C. Fred Bergsten, Institute for International Economics, and Thea Lee, AFL–CIO, all of Washington, D.C.

IRAQ TRANSITION

Committee on Foreign Relations: Committee continued hearings to examine the current state of society in Iraq, focusing on preparations for a transition to Iraqi sovereignty on June 30 and what steps are required to fill out a comprehensive transition plan, after receiving testimony from Kenneth M. Pollack and Michael E. O'Hanlon, both of the Brookings Institution, and General George A. Joulwan (Ret.), former NATO SACEAUR, all of Washington, D.C.; Michael Sheehan, New York Police Department, New York, New York; and Ahmed S. Hashim, United States Naval War College, Newport, Rhode Island.

Committee will meet again tomorrow.

STOCK OPTIONS ACCOUNTING POLICY

Committee on Governmental Affairs: on Tuesday, April 20, Subcommittee on Financial Management, the Budget, and International Security concluded an oversight hearing to examine supporting and strengthening the independence of the Financial Accounting Standards Board, focusing on the importance of FASB's independence in setting financial reporting and accounting standards, evaluating FASB's proposal to require mandatory expensing of stock options, and determining the economic and accounting/financial reporting impact of expensing stock options, after receiving testimony from Senators Boxer and Enzi; Robert H. Herz, Financial Accounting Standards Board, Norwalk, Connecticut; Paul A. Volcker, International Accounting Standards Committee Foundation, London, United Kingdom, former Chairman, Board of Governors of the Federal Reserve System; Jack T. Ciesielski, R.G. Associates, Inc., Baltimore, Maryland; James K. Glassman, American Enterprise Institute, and Damon Silvers, AFL–CIO, both of Washington, D.C.; Donald P. Delves, Delves Group, Chicago, Illinois; and Mark G. Heesen, National Venture Capital Association, Arlington, Virginia.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, with an amendment in the nature of a substitute; and

S. 1721, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, with an amendment in the nature of a substitute.

FEDERAL ACKNOWLEDGMENT PROCESS REFORM ACT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 297, to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgment process, after receiving testimony from Aurene Martin, Principal Deputy

Assistant Secretary of the Interior for Indian Affairs; Edward Roybal II, Piro/Manso/Tiwa Indian Tribe, Pueblo of San Juan de Guadalupe, Las Cruces, New Mexico; Neal McCaleb, Chickasaw Nation Industries, Edmond, Oklahoma, former Assistant Secretary of the Interior for Indian Affairs; and Kevin Gover, Arizona State University College of Law, Tempe.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 4180–4192; and 4 resolutions, H. Con. Res. 407–408, and H. Res. 600–601 were introduced.

Pages H2264–66

Additional Cosponsors: **Pages H2266–67**

Reports Filed: Reports were filed today as follows:

H. Res. 602, providing for consideration of H.R. 2844, to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances (H. Rept. 108–466).

Page H2264

Speaker: Read a letter from the Speaker wherein he appointed Representative Bass to act as Speaker Pro Tempore for today. **Page H2203**

Chaplain: The prayer was offered today by Rev. Dr. Woodrow Hudson, Chaplain, Georgia Department of Corrections in Atlanta, Georgia. **Page H2203**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Green Chemistry Research and Development Act of 2004: H.R. 3970, amended, to provide for the implementation of a Green Chemistry Research and Development Program, by a ⅔ yea-and-nay vote of 402 yeas to 14 nays, Roll No. 121;

Page H2205–9, H2224

Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004: H.R. 4030, amended, to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education, by a ⅔ yea-and-nay vote of 411 yeas to 7 nays, Roll No. 122;

Pages H2209–11, H2224–25

Senator Paul Simon Federal Building Designation Act: S. 2022, to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building"—clearing the measure for the President;

Pages H2211–13

James V. Hansen Federal Building Designation Act": H.R. 3147, amended, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building", by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 123;

Pages H2213–15, H2225–26

Addressing the participation of Taiwan in the World Health Organization: H.R. 4019, amended, to address the participation of Taiwan in the World Health Organization, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 124; and

Pages H2215–17, H2226

Guardsmen and Reservists Financial Relief Act of 2003: H.R. 1779, to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, by a ⅔ yea-and-nay vote of 415 yeas with none voting "nay", Roll No. 125. **Pages H2217–23, H2226–27**

Recess: The House recessed at 6:21 p.m. and reconvened at 7:03 p.m. **Page H2261**

Senate Message: Message received from the Senate today appears on page H2203.

Senate Referral: S. 1814 was referred to the Committees on Resources, Agriculture, and Education & the Workforce. **Page H2261**

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings today and appear on pages H2224, H2224–25, H2225–26, H2226, and H2226–27. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 7:04 p.m.

Committee Meetings

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior continued appropriation hearings. Testimony was heard from Members of Congress.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on NIH, with emphasis on Budget/Road Map. Testimony was heard from Elias A. Zerhouni, MD, Director, NIH, Department of Health and Human Services.

TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Treasury and Independent Agencies held a hearing on the IRS. Testimony was heard from Mark W. Everson. Commissioner, IRS, Department of the Treasury

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held a hearing on NASA. Testimony was heard from Sean O'Keefe, Administrator, NASA.

IRAQ'S TRANSITION TO SOVEREIGNTY

Committee on Armed Services: Held a hearing on Iraq's Transition to Sovereignty. Testimony was heard from the following officials of the Department of Defense: Paul D. Wolfowitz, Deputy Secretary; GEN Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff; and Judith Yaphe, Senior Fellow, National Defense University; Mark I. Grossman, Under Secretary, Political Affairs, Department of State; Amatzia Baram, Resident Fellow, United States Institute of Peace; and GEN John Keane, USA (ret.), former Vice Chief of Staff, U.S. Army.

DOD PERFORMANCE OF ACQUISITION PROCESS

Committee on Armed Services: Held a hearing on the Performance of the Department of Defense Acquisition Process in Support of Force Protection for Combat Forces. Testimony was heard from the following officials of the Department of Defense: Michael W. Wynne, Acting Under Secretary (Acquisition, Technology, and Logistics); LTG Joseph L. Yakovac, Jr., USA, Military Deputy and Director, Army Acquisition Corps, Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology); and MG Buford C. Blount III, USA, Assistant Deputy Chief of Staff, G–3, both with the Department of the Army; LTG Edward Hanlon, Jr., USMC, Deputy Commandant, Combat Development and Commanding General, Marine Corps Combat Development Command; and BG William D. Catto, USMC, Commanding General, Marine Corps Systems Command, both with the Department of the Navy.

RAISING ACADEMIC ACHIEVEMENT—IMPORTANCE OF HIGHLY QUALIFIED TEACHERS

Committee on Education and the Workforce: Held a hearing on the Importance of Highly Qualified Teachers in Raising Academic Achievement. Testimony was heard from public witnesses.

DOD—CURRENT ENVIRONMENTAL ISSUES AFFECTING READINESS

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality and the Subcommittee on Environment and Hazardous Materials held a joint hearing entitled ''Current Environmental Issues Affecting the Readiness of the Department of Defense.'' Testimony was heard from the following officials of the Department of Defense: Raymond DuBois, Deputy Under Secretary, Installations and Environment; and BG Louis W. Weber, USA, Director of Training; Marianne Lamont Horinko, Assistant Administrator, Solid Waste and Emergency Response, EPA; the following officials of the State of Colorado: Douglas H. Benevento, Executive Director, Department of Public Health and Environment; and Dan Miller, First Assistant Attorney General, Natural Resources and Environmental Section, Department of Law; and public witnesses.

FASB STOCK OPTIONS PROPOSAL—EFFECT ON U.S. ECONOMY AND JOBS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''The FASB Stock Options Proposal: Its Effect on the U.S. Economy and Jobs.'' Testimony was heard from public witnesses.

DOD'S COUNTERNARCOTICS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''DOD's Counternarcotics: What Is Congress Getting For Its Money?'' Testimony was heard from the following officials of the Department of Defense: Tom O'Connell, Assistant Secretary, Special Operations and Low Intensity Conflict; and BG Benjamin Mixon, USA, U.S. Southern Command, J–3 Operations Office; and RADM David Kunkel, USCG, U.S. Pacific Command, J–3

Operations Office, Department of Homeland Security.

IRAQ OIL-FOR-FOOD PROGRAM

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing on Iraq Oil-for-Food Program: Starving for Accountability. Testimony was heard from the following officials of the Department of State: Patrick F. Kennedy, U.S. Representative for United Nations Management and Reform, U.S. Mission to the United Nations; and Robin L. Raphel, Coordinator, Office of Iraq Reconstruction; Michael J. Thibault, Deputy Director, Defense Contract Audit Agency, Department of Defense; Jeff Ross, Senior Advisor to the Deputy Secretary, Executive Office for Terrorist Financing and Financial Crimes, Department of the Treasury; and public witnesses.

PROTECTING OUR NATION'S CYBER SPACE

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled ''Protecting Our Nation's Cyber Space: Educational Awareness for the Cyber Citizen.'' Testimony was heard from Orson Swindle, Commissioner, FTC; Amit Yoran, Director, National Cyber Security Directorate, Department of Homeland Security; and public witnesses.

TAIWAN RELATIONS ACT

Committee on International Relations: Held a hearing on The Taiwan Relations Act: The Next Twenty-Five Years. Testimony was heard from James A. Kelly, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; Peter W. Rodman, Assistant Secretary, International Security Affairs, Department of Defense; and public witnesses.

U.S. AND NORTHERN EUROPE: THE E–PINE INITIATIVE

Committee on International Relations: Subcommittee on Europe held a hearing on the U.S. and Northern Europe: The e-PINE Initiative. Testimony was heard from Heather Conley, Deputy Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State; and the following Ambassadors to the United States: His Excellency Jan K. Eliasson, Sweden; and His Excellency Vygaudas Usackas, Republic of Lithuania.

OVERSIGHT—DEADLINE EXTENSION FOR REQUIRING FOREIGN VISITORS TO PRESENT BIOMETRIC PASSPORTS

Committee on the Judiciary: Held an oversight hearing entitled ''Should the Congress extend the October, 2004 Statutory Deadline for Requiring Foreign Visitors to Present Biometric Passports?'' Testimony was heard from Colin L. Powell, Secretary of State; and Tom Ridge, Secretary of Homeland Security.

TERRORIST PENALTIES ENHANCEMENT ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action, as amended, H.R. 2934, Terrorist Penalties Enhancement Act of 2003.

Prior to this action, the Subcommittee held a hearing on this legislation. Testimony was heard from Representative Carter; Johnny Sutton, U.S. Attorney, Western District of Texas, Department of Justice; and public witnesses.

COLORADO RIVER INDIAN RESERVATION BOUNDARY CORRECTION ACT

Committee on Resources: Held a hearing on H.R. 2941, Colorado River Indian Reservation Boundary Correction Act. Testimony was heard from Michael Olsen, Counselor to the Assistant Secretary, Indian Affairs, Department of the Interior; and a public witness.

TRIBAL FOREST PROTECTION ACT OF 2004

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on H.R. 3846, Tribal Forest Protection Act of 2004. Testimony was heard from Mark Rey, Under Secretary, Natural Resources and Environment, USDA; and public witnesses.

CONTINUITY IN REPRESENTATION ACT

Committee on Rules: Granted, by a vote of 6 to 3, a structured rule providing 60 minutes of general debate on H.R. 2844, Continuity in Representation Act of 2004, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII (requiring the inclusion of general performance goals and objectives in a committee report). The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in Part A of the report of the Committee on Rules accompanying the resolution, shall be considered as an original bill for the purpose of amendment, which shall be considered as read. The rule makes in order only those amendments printed in part B of the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the

order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 2005

Committee on Transportation and Infrastructure: Ordered reported, as amended, H.R. 3879, Coast Guard Authorization Act for Fiscal Year 2005.

GDIP BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on GDIP Budget. Testimony was heard from departmental witnesses.

BRIEFING—NARCO–TERROR CONNECTIONS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to receive a briefing on Narco-Terror Connections. The Subcommittee was briefed by departmental witnesses.

DHS INFRASTRUCTURE PROTECTION DIVISION

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science, and Research and Development and the Subcommittee on Infrastructure and Border Security held a joint hearing entitled ''The DHS Infrastructure Protection Division: Public-Private Partnerships to Secure Critical Infrastructures''. Testimony was heard from Robert Liscouski, Assistant Secretary, Infrastructure Protection, Department of Homeland Security; Robert Dacey, Director, Informational Security Issues, GAO; George C. Newstrom, Secretary of Technology, State of Virginia; and public witnesses.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the outlook for the U.S. economy, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 22, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Federal Aviation Administration, 10 a.m., SD–138.

Full Committee, to hold hearings to examine the report of the U.S. Commission on Ocean Policy, 2 p.m., SD–138.

Committee on Commerce, Science, and Transportation: to hold hearings to examine U.S. Commission on Ocean Policy Report, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine obstacles and opportunities regarding the Iraq transition, 9:30 a.m., SD–106.

Full Committee, to hold hearings to examine the nominations of Lauren Moriarty, of Hawaii, to be Ambassador during her tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum, Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Korea, Michael W. Marine, of Vermont, to be Ambassador to Vietnam, and Patricia M. Haslach, of Oregon, to be Ambassador to Laos, 1:30 p.m., SD–106.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine U.S.-China relations and the status of reforms in China, 2:30 p.m., SD–106.

Full Committee, to hold hearings to examine the nominations of Jendayi Elizabeth Frazer, of Virginia, to be Ambassador to South Africa, Jack Dyer Crouch II, of Missouri, to be Ambassador to Romania, and Victor Henderson Ashe, of Tennessee, to be Ambassador to Poland, 4 p.m., SD- 419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine working parents and their children, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider S. 1735, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. Res. 310, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers, H. Con. Res. 328, recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month, S. 2270, to amend the Sherman Act to make oil-producing and exporting cartels illegal, S. 2107, to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009, S. 2192, to amend title 35,

United States Code, to promote cooperative research involving universities, the public sector, and private enterprises, H.R. 1561, to amend title 35, United States Code, with respect to patent fees, S. 1933, to promote effective enforcement of copyrights, S. 2237, to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, S. 1932, to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and the nominations of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit, Robert Bryan Harwell, to be United States District Judge for the District of South Carolina, George P. Schiavelli, to be United States District Judge for the Central District of California, and Curtis V. Gomez, to be Judge for the District Court of the Virgin Islands, 11 a.m., SD–226.

Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine state and local authority to enforce immigration law, focusing on an approach for stopping terrorists, 2:30 p.m., SD–226.

Select Committee on Intelligence: closed business meeting to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on District of Columbia, on District of Columbia Courts, 10 a.m., 2362A Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on National Institutes of Health, 10 a.m., 2358 Rayburn.

April 22, Subcommittee on Legislative, on House of Representatives and GAO, 1 p.m., H–140 Capitol.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing entitled ''Developments in Labor Law: Examining Trends and tactics in Labor Organization Campaigns,'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following measures: H.R. 3866, Anabolic Steroid Control Act of 2004; H.R. 2771, To amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Act; and H. Res. 516, Supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform, hearing on Can Federal Agencies Function in the Wake of a Disaster? A Status Report on Federal Agencies' Continuity of Operations Plans, 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on Rwanda's Genocide: Looking Back; followed by a markup of H. Con. Res. 403, Condemning the Government of the Sudan for its attack against innocent civilians in the impoverished Darfur region of western Sudan, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing entitled ''Legal Threats to Traditional Marriage: Implications for Public Policy,'' 2 p.m., 2141 Rayburn.

Subcommittee on Courts, The Internet, and Intellectual Property, oversight hearing on a proposal to amend the Federal Trademark Dilution Act, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following measures: H.R. 2619, Kilauea Point National Wildlife Refuge Expansion Act of 2003; H.R. 3378, Marine Turtle Conservation Act of 2003; H.R. 4114, Migratory Bird Treaty Act of 2004; and H. Res. 431, Honoring the achievements of Siegfried and Roy, recognizing the impact of their efforts on the conservation of endangered species both domestically and worldwide, and wishing Roy Horn a full and speedy recovery, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, to mark up the following bills: H.R. 646, To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862; H.R. 2201. National War Permanent Tribute Historical Database Act; H.R. 2663, To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System; H.R. 2966, Right-to-Ride Livestock on Federal Lands Act of 2003; H.R. 3768, Timucuan Ecological and Historic Preserve Boundary Revision Act of 2004; H.R. 3819, Lewis and Clark National Historical Park Designation Act of 2004; and H.R. 3874, To convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal, 10 a.m., 1334 Longworth.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing on Small Businesses Creating Jobs and Protecting the Environment, 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing to Review the Airport Screener Privatization Pilot Program, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, hearing on Global Updates, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, April 22

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will resume consideration of the motion to proceed to consideration of S. 2290, Asbestos Litigation; with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at approximately 11:30 a.m.; if cloture is not invoked, Senate will begin consideration of S. 2329, Crime Victims' Rights, with two hours for debate, followed by a vote on final passage of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, April 22

House Chamber

Program for Thursday: Consideration of H.R. 2844—Continuity in Representation Act of 2003 (structured rule, one hour of debate).

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